



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, MONDAY, FEBRUARY 2, 2004

No. 10

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 3, 2004, at 12:30 p.m.

## Senate

MONDAY, FEBRUARY 2, 2004

The Senate met at 1 p.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain Reverend Clint W. Decker, Clay Center Wesleyan Church, Clay Center, KS.

### PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father in heaven, holy is Your name. I seek Your blessings on behalf of our Nation and its leaders. May our Senators draw near to You and experience Your unconditional love. May each seek Your divine guidance for the hard decisions they face today.

Grant us all a holy desire to study scripture, pray, and seek Your plan for our lives. In Your unfolding mercy, strengthen marriages, sustain vital relationships, and grant peace to each and every home.

God, bring a spiritual awakening across this land that every citizen of this great country would know Your love and mercy as it transforms their lives, heals their wounds, and creates hope in hungry hearts.

I pray this in the name of Jesus, my Lord. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 2, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. ALLARD thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business until 2 p.m. At this juncture, I ask unanimous consent that we extend morning business, with the time equally divided, until 3 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. At 3 p.m. the Senate will resume consideration of the motion to proceed to S. 1072, the highway funding bill. Last week we attempted to reach a consent agreement to begin consideration of the highway bill today. Unfortunately, there was an objection to proceeding; therefore, I filed cloture on the motion to proceed. That cloture vote will occur at 5:45 p.m. today. I hope cloture will be invoked and the Senate will be able to begin consideration of this important bill this evening. This is a major piece of legislation which will not only secure America's infrastructure but also create jobs. There will be a lot of discussion and debate. I anticipate that this bill will take both this week and next week—that is the next 2 weeks—to complete.

Having said that, we need to begin the debate and allow the Senate to work its will on the amendments offered. Several of the committees are continuing their efforts on their respective pieces of this highway bill today and tomorrow, but that should not delay us from beginning to consider this important measure. As I have said, there will be adequate time to consider this bill on the floor, and Members will have the opportunity to offer amendments.

On another subject, last week the Senate passed the pension rate reform bill by a large bipartisan vote of 86 to 9. The vote in the House on their version of the bill was 397 to 2. Now it is time for us to appoint conferees and to go to conference to reconcile the differences. The Senate bill has been passed. The House bill has been passed.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S335

Now we want to appoint conferees so we can go to conference and reconcile those differences.

Unfortunately, there has been an objection on the other side of the aisle to proceeding. I again urge the Democratic leadership to allow us to appoint conferees so we can begin the process. The large bipartisan vote on passage of this legislation in this body as well as in the House indicates we are all willing to work together, and I hope we can continue and progress toward a conference of agreement.

On another note, I remind my colleagues that on Wednesday of this week, President Aznar of Spain will address a joint meeting of Congress. President Aznar will begin his speech at 11 a.m. Therefore, Members are asked to gather in the Senate Chamber at 10:40 so that we may leave as a body for the House Chamber to hear that address.

#### IMPORTANCE OF S. 1072

Mr. FRIST. Mr. President, I would like to take a few minutes to comment on the importance of proceeding to the highway bill which will be the focus of this institution over the next 2 weeks. At 5:45 today we will have the cloture vote on the motion to proceed to the highway bill. I do hope cloture will be invoked and we will be able to begin consideration of this vitally important bill.

In the next few moments, I want to share why I believe this bill is so important to us, to the American people and, thus, we need to invoke cloture. There is broad support for this legislation here in the Senate as well as all across America. We will spend the next couple of weeks considering it on the Senate floor. A number of Senate committees are involved in this important bill, including the Environment and Public Works Committee, the Commerce Committee, the Banking Committee, the Finance Committee—all have vital and critical pieces of this bill. We will work through their various committee amendments over the next 2 weeks.

It is key that we focus our full attention on this legislation. America's transportation infrastructure is crucial to our vibrant economy, to our growing economy today. America is interlaced with over 4 million miles of roads and highways. Our transportation infrastructure is estimated to be worth more than \$1.75 trillion. The interstate highway system has often been called the greatest public works project in history. Every \$1 billion we invest in transportation infrastructure generates more than \$2 billion in economic activity and creates more than 47,000 new jobs.

Our roads, our ports, our railroads are vital to America's economic success. We know this well in my home State of Tennessee where companies such as Federal Express, Averitt Express, and U.S. Express are located.

The success of these companies is dependent on the quality of our Nation's infrastructure.

Around the Nation, America's transportation infrastructure is deteriorating badly and becoming painfully overcrowded. America's roads especially are not keeping up. You can ask any American commuter. There is bumper-to-bumper traffic, not just during rush hour but all day long. Indeed, in our Nation's urban areas, traffic delays have more than tripled over the past 20 years. That is not just in the larger cities—New York, Atlanta, Los Angeles. In Raleigh-Durham, commuting time has gone up nearly 25 percent in 10 years. In Charlotte, traffic congestion has added 39 additional commuting hours per year, the equivalent of nearly an entire week stuck in traffic.

In Tennessee, traffic congestion has increased in all our major metropolitan areas. In my hometown of Nashville, commuters drive an average of 32 miles per day. Metropolitan planning organizations are struggling to meet demand.

It is estimated that Americans suffer through more than 3.6 billion hours in delays and waste over 5.7 billion gallons of fuel per year just sitting in traffic. These transportation delays ripple through our Nation's economic sector and result in lost productivity, lost wages, and lost jobs.

We cannot ask our fellow citizens to join the great American workforce and then stand idly by while our roads decay and that daily commute to work stretches from minutes into hours. It is a jobs issue. This bill is a quality-of-life issue, and it is a serious safety issue as well. More time on the road translates into more accidents; 41,000 travelers are killed each year on our worsening roads, and over 3 million people are injured.

As our highways become more and more congested, drivers begin to take alternate routes on town streets, which we know exposes them to even greater danger. Passing the highway bill is life-saving. It will save an estimated 4,000 lives each year by simply improving our roads and educating the public about road safety. In Tennessee, our State highway department is investing in measures to reduce traffic-related fatalities. States across the country will need additional resources to make similar improvements.

Passing the highway bill will also improve the mass transit system that is so vital to our thriving urban centers. With new and modernized vehicles and facilities, mass transit is gaining in popularity. The Department of Transportation reports that from 1997 to 2000, passenger mileage on mass transit increased by 125 percent. More people are using trains more frequently not just to get to work but to run errands and to travel. Passenger mileage on trains has gone up 16 percent. But like our roads, our transit system is not keeping up. Average rail operating

speeds have actually declined since 1997 as trains are older and we are using slower rail systems. As daily commuters can testify, trains are getting more and more crowded as well.

The Department of Transportation warns that as the Nation's population continues to increase and more people live in urban areas, the need for investment in transit infrastructure will continue to grow.

Finally, the bill we have before us that we will begin to consider is the result of a long bipartisan process. It is based on more than 2 years of work, including 13 hearings and testimony from over 100 witnesses. The highway bill is a fair and comprehensive package that will benefit the entire Nation. From highways and bridges to bike paths, this bill will make our transportation safer, more efficient, and will stimulate job creation. Indeed, it is estimated that the highway bill under consideration will add a whopping 2 million jobs to the economy.

Our vast and interconnecting highways are emblematic of our great American spirit, our love of adventure, and our drive toward the unknown. Our highways, our bridges, our roads, our ports, and our trains are in fact very much the physical expression of the very name we bear, uniting the States of America. I urge my colleagues to take swift action to pass this legislation. We must work together to continue to move America forward.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### RECOGNITION OF THE DEMOCRATIC LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### PASSING S. 1072

Mr. DASCHLE. Mr. President, I commend the distinguished majority leader for his statement on the importance of the legislation that will soon be pending. He and I have had a number of discussions about the legislation and the need to proceed. I applaud him for his leadership in making sure the Senate has an opportunity to complete its work on this bill at the earliest possible time. He has very persuasively articulated why this legislation is important not only for the State of Tennessee but for the country. I will have a lot more to say about the bill in the coming days. But I hope that in spite of the differences there may be with regard to allocation, priorities, and policy, we can find a way to work together on this bill and complete our work perhaps as early as a week from this coming Friday. I think it is doable.

I have pledged to the distinguished majority leader that we are going to do all we can to complete our work in that timeframe. That will take cooperation and it will take efficient use of the next 2 weeks. I think it is doable. I am very hopeful that by working together we can recognize this is one of the most important opportunities not only for our investment in infrastructure, but for the creation of good jobs and what it can mean in the longer term for the economy. This is a good moment for all people involved. I just hope we seize the moment and do all we can to successfully complete our work.

#### CONGRATULATING SOUTH DAKOTA NATIVE ADAM VINATIERI OF THE NEW ENGLAND PATRIOTS

Mr. DASCHLE. Mr. President, I congratulate a South Dakota native, Adam Vinatieri, on yet another Super Bowl-winning field goal.

These are the kinds of heroics South Dakotans and New England Patriot fans have come to expect from Adam. Growing up in Rapid City, Adam lettered in football, soccer, track, and wrestling for the Central High School Cobblers. He was a 4-year letterman as a place-kicker at my alma mater, the South Dakota State University Jackrabbits. He actually set the school record for points scored.

In the last 30 years, only twice has the Super Bowl been won by a last-second field goal. On both of these occasions, the kicker was Adam Vinatieri.

Once again—and certainly not for the last time—he has brought pride to his State and joy to Patriot fans everywhere. I congratulate him.

I thank the Presiding Officer, and I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with the time until 3 p.m. equally divided between the two leaders or their designees, with the Senator from Florida, Mr. GRAHAM, controlling the time allocated to the minority. The Senator from Nevada.

Mr. REID. Mr. President, we want to make sure Senator GRAHAM has all the time he needs for the remarks he wishes to make. He is going to be finished around 2 o'clock, and then time will be controlled by either Senator DASCHLE or his designee. You said all time would be controlled by the Senator from Florida.

The ACTING PRESIDENT pro tempore. That is correct, and the remainder of the time will revert to the leader.

Mr. REID. I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from Florida.

#### THE NEED FOR INTELLIGENCE REFORM

Mr. GRAHAM of Florida. Mr. President, as Chairman of the Senate Select Committee on Intelligence during most of the 107th Congress, I worked with colleagues from the House and Senate to accept the responsibility of reviewing the horrific events that struck our Nation's symbols of commerce and security on September 11, 2001, claiming the lives of nearly 3,000 Americans. From New York City and the Pentagon to a field in rural Pennsylvania, 9-11 demonstrated the vulnerabilities of our free society.

But in my view, and after the careful review of the Intelligence Committees, the most tragic aspect of this day never to be forgotten is that it could have been prevented. Had our intelligence agencies been better organized and more focused on the problem of international terrorism—particularly Osama bin Laden—September 11th would have been prevented.

I also have concluded that, had the President and the Congress initiated the reforms that our joint inquiry recommended, we might well have avoided the embarrassment of the flawed intelligence on weapons of mass destruction—or the misleading use of that intelligence—which formed the basis of our war against Iraq.

Surely, the people of America would be safer today had these reforms been undertaken.

So today, and in remarks in the next 2 days, I would like to review with my colleagues the conclusions of the House-Senate joint inquiry.

We have learned that intelligence failures played a central role in the events of 9-11. Let me illustrate some of those failures:

The Central Intelligence Agency, CIA, was tracking two of the hijackers and knew that they had been to a summit meeting of terrorists in Malaysia in early January of 2000. However, the CIA failed to inform the Federal Bureau of Investigation, FBI, the Federal Aviation Administration, FAA, the Immigration and Naturalization Service, INS, or Customs officials that these individuals were on their way to the United States. The result is that when they arrived on a commercial airliner in the United States in order to execute their dastardly plan, they were welcomed into our country by unwitting entry agents.

These same two hijackers were living with an FBI asset, but the informant failed to ask basic questions. Others in the FBI recognized the danger of Islamic extremists using airplanes as weapons of mass destruction, but their warnings were ignored by superiors. Still others failed to understand the legal avenues available to them that may have allowed available investigative techniques to be used to avert the 9-11 plot.

Current national security strategy demands more accurate intelligence than ever before:

Terrorists must be found before their strikes. This will require intelligence agents capable of penetrating their cells to provide intelligence early enough to frustrate the terrorists' intentions;

If preventive or pre-emptive military actions are to be a central part of our national security strategy, to maintain its credibility of those actions with the American people and the world, will require the support of the most credible intelligence;

If we are to frustrate the proliferation of weapons of mass destruction, America must provide an intelligence capability for all of those regions of the world which are suspect.

Now, as never before, intelligence matters.

In responding to the events of 9-11, Congress created a joint committee consisting of the House and Senate Intelligence Committees. A bipartisan, bicameral panel of this type had never before been formed in the 213 years of the U.S. Congress. Our effort reflected the unique circumstances and the national unity we all felt in the immediate aftermath of 9-11.

One of the principal reasons for conducting the inquiry in this way was to give our recommendations the maximum credibility, above the usual cries of partisanship that frequently taint the work of congressional committees. The importance of our task cannot be understated. We sought to identify the problems in the intelligence community that allowed the 9-11 attacks to go undetected and propose solutions to those problems.

In the end, we were successful in identifying the problems because we all understood how much was at stake and that our enemy would not rest while we attempted to fix our problems. We were less successful in securing consideration of the solutions from the intelligence agencies, the White House, and the Congress.

The fact that we conducted this bipartisan, bicameral inquiry and submitted recommendations creates a new heightened level of congressional responsibility. If the terrorists are successful in another attack in the United States, the American people will demand to know what the institutions of government learned from 9-11, and how the intelligence agencies, the White House, and the Congress used that knowledge to harden the United States against future terrorist attacks. Congress was largely able to avoid accountability for 9-11. Mark my words: There will be no avoidance of responsibility for the next attack.

There will be no avoiding responsibility for the President. September 11, 2001, was a wake up call—it told us we had severe deficiencies in our intelligence community. If 9-11 was a wake up call, the failure to find weapons of mass destruction in Iraq was a report card on how far we have come since 9-11 in correcting the problems in our intelligence community. The grade we received on that report card is F. The President and Congress have failed to initiate the reforms recommended by a series of review panels and our bipartisan, bicameral joint committee of inquiry.

This failure of the President and the Congress has contributed to yet another intelligence failure.

What troubles me more than the President's unwillingness to make the necessary changes is his unwillingness to even admit that our Nation has a problem. Just last week, the President responded to questions about the inaccuracies of his statements about Iraq's WMD capability by saying he has "great confidence in our intelligence community." How can he have great confidence in our intelligence community after it has been proven confused before September 11 and completely wrong on the threat posed by Iraq?

The expected appointment by the President of a commission to review the intelligence on which the war in Iraq was predicated is not an excuse to delay reform of America's intelligence community. Rather, I am concerned that it appears as though the goal is simply to avoid political accountability and embarrassment. America continues to be in a state of denial. A White House aide was quoted over the weekend as saying, "We cannot afford another one of those"—referring to the public outcry after the misstatement of intelligence in the 2003 State of the Union speech.

It has now been more than a year since the joint inquiry made its recommendations. This is a good time to review the progress made in implementing those recommendations and to identify critical areas of reform that have not yet been addressed. Unfortunately, this is not going to be a report card that we would like to show to our parents—or to our voters. There has been little accomplished with regard to most of the recommendations.

The joint inquiry report made nineteen recommendations for reform. Today I would like to discuss those recommendations that fall into the category of specific actions to combat terrorism.

In speeches on Tuesday and Wednesday, I will deal with those that involve intelligence community reform and those that deal with the FBI and the Foreign Intelligence Surveillance Act process.

Of the nineteen recommendations, there are six that contain specific actions to combat terrorism. Recommendation No. 2 directs "the National Security Council to expedite their efforts to examine and revamp existing intelligence priorities." It further directs the President to "take action to ensure that clear, consistent, and current priorities are established and enforced throughout the Intelligence Community. Once established, these priorities should be reviewed and updated on at least an annual basis to ensure that the allocation of Intelligence Community resources reflects and effectively addresses the continually evolving threat environment. Finally, the establishment of Intelligence Community priorities, and the justification for such priorities, should be

reported to the House and Senate Intelligence Committees on an annual basis."

It was very clear from the work of the joint inquiry that the intelligence community had not adapted or changed its intelligence priorities to reflect the changing nature of the world. While some modifications had been made since the end of the Cold War, our intelligence priorities remained states like Russia, China, Iran and Iraq. In spite of the fact that George Tenet, the Director of Central Intelligence, had declared war on al-Qaida in 1998, al-Qaida was not at or even near the top of the intelligence priority list on September 11, 2001. Only on September 12, 2001, did al-Qaida become priority number one.

It was also clear from our investigation that there was no formal process for regularly updating and reviewing intelligence priorities to ensure that they reflected changes in the security environment. Bureaucratic inertia worked to keep old priorities on the list long after they should have dropped down in favor of emerging threats. While George Tenet may have recognized that non-state actors like al-Qaida needed more attention, this was not widely known or accepted throughout the Intelligence Community that he heads. When asked if he was aware that George Tenet had declared war on al-Qaida in 1998, a former director of the National Security Agency, NSA, our Nation's electronic eavesdropping agency, responded that yes, he was aware that George Tenet had said that, but he did not think it applied to him or his organization.

A formal process that was clearly understood throughout our government would have prevented some of the problems we identified. One example involves the Predator unmanned aerial vehicle, a pilotless drone capable of long-duration flight and armed with high resolution cameras and an ability to fire missiles at targets on the ground. The Predator has proven to be one of the most effective intelligence collection assets we have in the war on terror. Unfortunately, it took far too long to build the Predator because of internal disputes in the administration. This type of aircraft was not a priority for the Air Force and its production was therefore delayed several months. The lack of established and accepted intelligence priorities was a major cause of the delay in fielding the Predator.

This issue of setting new priorities was also raised by the National Commission on National Security in the 21st Century, also known as the Hart-Rudman Commission. This Commission, which issued its final report in February of 2001, included a recommendation that "the President order the setting of national intelligence priorities through National Security Council guidance to the Director of Central Intelligence."

Unfortunately, at the time the Joint Inquiry issued its report almost 2 full

years after the Hart-Rudman Commission had made its recommendation sufficient progress had not been made in setting national intelligence priorities. Therefore, we included a recommendation on this point. Our investigation determined that the failure to have clear, consistent and current intelligence priorities that were understood by the entire intelligence community was a significant contributing factor to the failure of intelligence on 9-11.

Since the joint inquiry issued its report, some progress has been made in establishing a systematic process for establishing intelligence priorities. However, it is not clear that these priorities are being communicated to the domestic intelligence agencies responsible for our security here at home.

Recommendation No. 3 focuses its directive on the counter terrorism components of the intelligence, military, law enforcement, and homeland security agencies, which will be key in counter terrorism. This recommendation directs the National Security Council to "prepare, for the President's approval, a U.S. government-wide strategy for combating terrorism, both at home and abroad, including the growing terrorism threat posed by proliferation of weapons of mass destruction and associated technologies."

There should be an intelligence component of this strategy that identifies domestic and foreign based threat levels, programs, plans and budgets to address the threat posed by Osama bin Laden and al-Qaida, Hezbollah, Hamas, and other international terrorist groups. The strategy should include specific efforts to improve human intelligence, better utilize technology to analyze and share data, enhance domestic intelligence, maximize the effective use of covert action, which is action taken by the United States Government where the role of the United States is hidden, develop programs to deal with terrorist financing, and facilitate the ability of CIA and military special operations forces to conduct joint operations against terrorist targets.

The joint inquiry found that there was no commonly agreed-upon approach among the federal agencies for dealing with terrorism. Each agency or department seemed to have its own ideas about fighting terrorism, and they were all independent actors. Success in the war on terror will require a coherent, coordinated effort that can only be accomplished by having everyone work toward a common goal outlined in a national strategy. Prior to 9-11, the CIA was trying, albeit unsuccessfully, to penetrate foreign terrorist organizations and disrupt their operations. Unfortunately at the FBI, fighting the war on terror meant calculating the threat by counting the number of known terrorists, not how many were estimated to have been placed in American communities. The FBI was waiting for acts of terror to occur and then trying to arrest and convict the guilty party.

The need for a national strategy to combat terrorism has been the subject of several other commission reports. The Gilmore Commission, also known as the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, in its second report in December of 2000, recommended that "the next President should develop and present to the Congress a national strategy for combating terrorism within one year of assuming office."

The broad recommendation to develop a national strategy, as well as what should be included as specific components of that strategy, is broadly supported by virtually everyone who has analyzed our intelligence capabilities.

In addition to the recommendation of the Gilmore Commission calling for a national strategy to combat terrorism, other commissions have made recommendations that are consistent with the full joint inquiry recommendation on developing a national strategy. For instance, the Hart-Rudman Commission, the Gilmore Commission, and the Bremer Commission, also known as the National Commission on Terrorism, in its report of June 2000, all made recommendations calling for improving and intensifying our human intelligence efforts with respect to terrorism.

We should remember that until the hijackers stood up on those four airplanes and took control, it was as if their plot had been undetected. It was as if their conspiracy represented no violations of American laws or regulations. Good intelligence is our principle line of defense against these types of terrorist plots. Only by penetrating these organizations and by bringing together all available raw intelligence into cohesive analytical products will we ever be able to feel confident that we can avoid future tragedies. That is the only way we will get the timely, accurate intelligence that is required to disrupt sophisticated modern terrorist organizations like al-Qaida. Improving our human intelligence capability must be Job Number One in responding to global terrorists.

Penetrating these organizations will require a new, more aggressive human intelligence capability. Osama and his cohorts are unlikely to turn up at an embassy cocktail party. We must be capable of getting human sources close to the leaders of these organizations. John Walker Lindh was a misguided California college student who became a member of al-Qaida and even met Osama bin Laden. Unfortunately, John Walker Lindh did not work for the CIA.

The Bremer Commission includes a recommendation to increase funding for technology development to exploit terrorist communications, and devotes an entire section to improving efforts to attack terrorist financing. The Gilmore Commission recommends improving technological applications to enhance analysis and dissemination, as

well as improving domestic intelligence collection.

In response to the good work done by the Gilmore Commission and the recommendation of our Joint Inquiry, a national strategy to combat terrorism was issued by the Bush Administration in February of 2003. It is difficult to understand how a President who claims that defeating terrorism is the principle mission of his presidency took 17 months to produce a strategy to accomplish that mission. And even the strategy that was produced is inadequate when it comes to defining the intelligence components of that strategy. Instead, it calls on the intelligence community to review its capabilities and make recommendations for improvement. Why would it take 17 months to task the intelligence community to do such an assessment?

The strategy that was produced after this long delay does not meet the requirements published in the recommendation of the joint inquiry. The Bush administration's strategy is not so much a strategy as a list of objectives. What is lacking is clear guidance on how we can achieve these objectives. What is also lacking is a level of specificity that will allow all agencies in our government to work towards this common set of priorities and goals through the common strategy.

Recommendation No. 4 calls for the establishment of a National Intelligence Officer for Terrorism on the National Intelligence Council. The National Intelligence Council works directly for the Director of Central Intelligence and is responsible for providing coordinated analysis of foreign policy issues for the President and other senior policymakers. To date, no such position has been established. The lack of a central coordinator for terrorism analysis has been a continuing shortcoming in the Intelligence Community. While there are some outstanding individuals doing analysis on terrorism in several of the intelligence community's component organizations, there is no single focal point for policymakers to direct analytical requests on terrorism.

A more recent example of the need for an NIO for Terrorism is the debate over Iraq's connection to al-Qaida. While the CIA consistently reported that they had uncovered no reliable evidence of any links between Saddam Hussein and al-Qaida, others in the government—particularly at the Defense Department and the White House—made repeated statements about a solid link. Implementing this recommendation would give us a point of ultimate accountability.

The joint inquiry found that there was some confusion as to who to go to with intelligence queries on terrorism, and there was no arbiter within the community to help reconcile various approaches or conflicting analyses of terrorism. We found too much miscommunication and an inability to identify who was responsible with re-

gard to terrorism analysis. There was no individual who could coordinate a National Intelligence Estimate on terrorism, something that may have helped bring the seriousness of the threat posed by al-Qaida to members of the intelligence community outside of CIA. A National Intelligence Estimate is the highest level of intelligence analysis produced by the intelligence community and represents the best estimate of the entire intelligence community.

Without the establishment of this position, there is also a lack of outreach to academia and the private sector on terrorism issues, something that is needed in this critical fight. We have national intelligence officers for each geographic region as well as several crosscutting issues, such as conventional military issues, strategic and nuclear programs, and economics and global issues. It is a sign of the continuing lack of organizational restructuring to deal with the terrorist threat that we still have no national intelligence officer for terrorism, yet we have one for economics. This should not be very hard to do, yet one full year after issuing our recommendations it has not been done.

Recommendation No. 18 of the joint inquiry report calls on Congress and the administration to ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center. This center should have full access to all terrorism related intelligence and data, participate in the intelligence requirements process, and "integrate intelligence information to identify and assess the nature and scope of terrorist threats to the United States in light of actual and potential vulnerabilities."

One example of an intelligence fusion center that functions effectively is the Joint Interagency Task Force South in Key West, Florida. This organization fuses intelligence information from a wide variety of sources in a single facility which is jointly manned by military, law enforcement, intelligence and foreign government officials. What makes this organization particularly effective is that it is able to directly control operational activity to respond immediately to the intelligence it gathers. If it identifies a ship traveling toward the United States that it believes is carrying illegal narcotics, it can direct a Coast Guard vessel to intercept and search that ship.

The failure to bring together all the available intelligence on terrorism and to analyze it in a way that is most useful in preventing attacks was most evident in our inquiry. The FBI had smart agents working in field offices throughout the country who identified troubling trends, such as an unusual interest in flight training among some foreign visitors. Unfortunately, the FBI was not organized in a way that allowed all intelligence on terrorism to go to a central location so that it could

be analyzed as a whole. That problem was compounded by the fact that there was little to no information sharing between the FBI, responsible for counterterrorism within the United States, and the CIA, responsible for foreign intelligence collection outside the United States of America. Too much fell through the cracks.

This recommendation was directly supported by the legislation, passed by Congress and signed by the President, that established the Department of Homeland Security. That legislation authorized an intelligence component in the new Department to do exactly as was recommended by the joint inquiry, including the requirement that this new intelligence component have full access to available intelligence information. Senators SHELBY, LIEBERMAN, and Thompson deserve particular credit for their efforts to ensure that the new Department of Homeland Security have a robust intelligence organization. The intelligence component of the Department of Homeland Security was envisioned to be the one place where our domestic vulnerabilities are evaluated and mapped against all threats to the homeland. The idea was that the threats could come from a variety of sources, not just terrorists, and one agency needed to be responsible for having the entire picture on its radar screen.

Unfortunately, the administration has chosen to gut the intelligence function at the Department of Homeland Security. The position of director of intelligence for the new department has been vacant for much of the time the department has been in existence. This is indicative of the lack of attention and significance it is given. The staff is totally inadequate for the mission outlined in the legislation that established the department.

Instead, the administration has chosen to create a new organization at the CIA called the Terrorist Threat Integration Center, TTIC. While this new organization may address some of the problems that we have identified, it does not meet the requirements set out in the legislative authorization, nor does it meet the criteria set out in the Joint Inquiry recommendation.

Finally, I would like to address Recommendation No. 19 of the joint inquiry report. This recommendation calls on "the intelligence community, and particularly the FBI and CIA, to aggressively address the possibility that foreign governments are providing support to or are involved in terrorist activity targeting the United States and U.S. interests. The FBI and CIA should aggressively and thoroughly pursue related matters developed through this Joint Inquiry that have been referred to them for further investigation."

Mr. President, this may be the most important—and at the same time, the most troubling recommendation. Significant evidence of foreign government involvement in the 9-11 attacks was uncovered by the joint inquiry.

It is incomprehensible why this administration has refused to aggressively pursue the leads that our inquiry developed. One example of the failure to pursue leads that point to foreign government involvement is the refusal of the FBI to aggressively follow the money trail that flowed from officials of a foreign government to at least some of the terrorists. In spite of being provided evidence by our committee, the FBI and the administration refused to use all the law enforcement tools at their disposal to follow the money trail. Why would the administration not use all of its available powers to track this money? In addition, the question of whether other terrorists were getting similar support was not pursued. Therefore the extent of the involvement of the foreign government has never been fully investigated. Recent press reports indicate that there is even more suspicious activity than was known at the time we issued our report.

Another example of the failure to aggressively pursue the sources of foreign support of terrorism is reported on Page A14 of today's Washington Post. A panel which was established by the United Nations to pursue sources of support of al-Qaida has been disbanded. Our government joined with Russia and Chile to sponsor a resolution at the United Nations that disbanded the panel investigating al-Qaida's financing.

We are talking about the possible involvement of foreign governments in the 9-11 attacks. If a government was involved in those attacks, we should leave no stone unturned to identify the extent of that involvement and hold those responsible accountable. There should be no sanctuary from justice for those involved with terrorists, no matter who might be embarrassed by such revelations.

I wish I could be more specific in discussing the involvement of foreign governments in the 9-11 plot. Unfortunately, the administration will not allow me to do so. After 7 months of effort to de-classify the report that we filed on December 20, 2002, the CIA, the FBI and other agencies decided to keep significant portions secret. In particular, there are 27 pages that were virtually completely censored. These are pages 396 through 422 from Part Four of the report, which is entitled, "Finding, Discussion and Narrative Regarding Certain Sensitive National Security Matters."

This censorship is troubling for a number of reasons. First, it reduces the information available to the public about some of the most important government actions—or to be more accurate, inactions—prior to September 11. Second, it precludes the American people from asking their government legitimate questions, such as:

Was there a reason that some, but not all, of the terrorists were receiving foreign support while they were in the United States?

Or is it not more likely that they were all receiving similar support?

What evidence do we have that the infrastructure of support that existed prior to 9-11 has been dismantled?

Or is it not more likely that such an infrastructure is still in place for the next generation of terrorists?

How many trained operatives of al-Qaida, Hezbollah, and other international terrorist organizations are there inside the United States of America?

What are the skills and capabilities of these operatives?

What was the scale and skills of Iraqi operatives inside the United States prior to the war in Iraq and at the current date?

What was the comparative threat to the people of the United States of Iraq and the trained agents of international terrorists placed inside our country?

Has the number, skill set, funding or ability to avoid disclosure of international terrorist operatives within the United States of America been enhanced by support from foreign governments?

How professional and aggressive have been the efforts of agencies such as the FBI and the CIA in answering those questions?

And, how was the information that our government might have had prior to September 11th utilized after September 11th to enhance the security of our homeland and American interests abroad?

Unfortunately, almost 2½ years after the tragedy, the administration and the Congress—in the main—have not initiated the reforms necessary to reduce the chances of another 9-11. Given the seriousness of that situation, some of what was withheld from this report bordered on the absurd. For examples of the absurdity, some of the information censored from these pages actually appears in other parts of the report. Let me cite three examples.

First, much of the censored information about Omar al-Bayoumi is available on pages 173-175. Mr. Bayoumi was an employee of the Saudi Civil Aviation Authority and a suspected Saudi intelligence agent based in California. He had extensive contacts with two of the Saudi hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi. The same day that Bayoumi picked up the hijackers at a restaurant in Los Angeles, he had attended a prior meeting at the Saudi consulate in Los Angeles. Bayoumi co-signed a lease for the two hijackers, paid their first month's rent, hosted a welcome party for them, helped them get driver's licenses and flight school applications. He also introduced them to others who served as their translator and in other support roles.

Second, much of the censored information about Osama Bassnan, another Saudi national who was a neighbor of the two hijackers in San Diego, which appears on pages 175 through 177.

Third, much of the information about a San Diego business manager which was censored also appears on pages 179 and 180.

I would note that the declassified sections of the report point out that, despite public assurances from U.S. officials that Saudi Arabia has cooperated in counter terrorism efforts, the Joint Inquiry received testimony that Saudi officials in fact "had been uncooperative and often did not act on information implicating Saudi nationals."



What this indicates is that in the months following the release of our recommendation that the administration "aggressively" address the foreign government involvement in 9-11, the Bush administration not only failed to pursue and investigate foreign government involvement, the administration misused the classification process to protect the foreign governments that may have been involved in 9-11. There is no reason for the Bush administration to continue to shield make-believe allies who are supporting, either directly or indirectly, terrorists who want to kill Americans.

The recommendations we have made here are consistent with recommendations made by other bodies that have been formed to analyze our intelligence structure over the last decade. The political reality is that there is a broad agreement that these reforms need to be made, yet there is institutional resistance that has been too great to overcome.

Congress has assumed responsibility for reform of the intelligence community. Now is the time to act so that we might receive the appreciation of the American people for reducing the likelihood of another tragedy like 9-11. The consequence of inaction will be legitimate, strong and unavoidable criticism should we be struck again.

If 9-11 was not a big enough shock wave to overcome the resistance to change, what will it take?

I ask unanimous consent that The Washington Post article "U.N. Dissolves Panel Monitoring Al Qaeda" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.N. DISSOLVES PANEL MONITORING AL QAEDA  
GROUP HAD CRITICIZED SECURITY COUNCIL  
(By Colum Lynch)

UNITED NATIONS.—The U.N. Security Council quietly dissolved a high-profile independent U.N. panel last month that was established more than 2½ years ago to prevent the al Qaeda terrorist network from financing its war against the United States and its allies, U.S. and U.N. officials said.

The move comes six weeks after the panel, headed by Michael Chandler of Britain, concluded in a stinging report that a number of Security Council sanctions against al Qaeda had failed to constrain the terrorist network.

But Security Council members have denied the move was retribution for the panel's conclusions, saying that the quality of the group's work was uneven and that the group had outlived its usefulness.

The 15-nation council on Friday adopted a new resolution sponsored by the United States, Russia and Chile that would replace Chandler's panel with what they say will be a more professional body. The new panel is expected to keep monitoring the global war against terrorism but would be subject to closer Security Council coordination and oversight.

The dispute underscores the challenge of managing an international counterterrorism operation through an organization whose 191 members are frequently criticized for failing to cooperate. It also reflects growing frustration among members that sanctions have

done little to interrupt the flow of money and arms to al Qaeda.

Chandler criticized the decision, saying it would undercut the United Nations' capacity to combat al Qaeda. He suggested that his panel's demise was a result of pressure from influential U.N. members who had been singled out in his reports for failing to take adequate measures to combat al Qaeda.

"A number of people were uncomfortable with our last report," Chandler said. He said that the Security Council was sending the wrong message and that one of the "key elements" of a successful counterterrorism strategy is "a strong independent monitoring group."

Chandler's five-member panel—the monitoring group on al Qaeda—was established in July 2001 to ensure compliance with an arms embargo against the Taliban and a freeze on its financial assets for harboring Osama bin Laden. The mission's mandate was expanded after the Taliban fell in January 2002, granting it broad powers to monitor international compliance with a U.N. financial, travel and arms ban.

Chandler's reports have provided periodic snapshots of the international campaign against terrorism, often highlighting failings in governments' responses to the al Qaeda threat. In August 2002, after a lull in al Qaeda activities, Chandler provided a prescient forecast of the network's resurgence. "Al Qaeda is by all accounts 'fit and well' and poised to strike," the report warned. It was followed by deadly strikes in Bali, Indonesia; Casablanca, Morocco; and Saudi Arabia.

"The group functioned very well, providing hard-hitting reports to the Security Council which painted a picture of what was really going on," said Victor Comras, a former State Department official who helped write the Dec. 2 report.

"I am at a loss to understand why the United States is one of the main players in redrafting the new resolution and allowing the monitoring group to lapse," he added. "The United States was the greatest beneficiary of the monitoring group because it gave them a lever to name and shame" countries that failed to combat terrorists.

One U.S. official said that last thing the United States wants is to "muzzle" the United Nations. But he said that although Chandler's panel was effective "at getting headlines," his propensity for antagonizing member states could ultimately undermine U.S. efforts to harness the United Nations' support in its anti-terror campaign. Chandler's group "did a good job," said James B. Cunningham, the deputy U.S. ambassador to the United Nations. "But we are trying to make the committee more effective."

Some U.S. and U.N. diplomats said Chandler needlessly alienated potential allies and constituents at the United Nations, including some in the United States. Chandler's 2002 report irked Bush administration officials by casting doubt on the success of the U.S.-led effort to block al Qaeda financing. The Bush administration also challenged the veracity of Chandler's assertion in an earlier report that the Treasury Department had ignored warnings from SunTrust Banks that a key plotter in the Sept. 11, 2001, terrorist attacks had previously transferred large sums of money to an account at a Florida bank branch.

Chandler infuriated officials from Liechtenstein, Italy and Switzerland with the Dec. 2 report that illustrated how two U.N.-designated terrorist financiers, Youssef Nada and Ahmed Idris Nasreddin, lived, traveled and operated multimillion-dollar businesses in their countries in violation of U.N. sanctions.

Liechtenstein's U.N. ambassador, Christian Wenaweser, one of Chandler's sharpest crit-

ics, complained that the Chandler investigation was shoddy and that he failed to adequately acknowledge his government's role in helping build the case against two alleged terrorist financiers. "We don't question the usefulness of the monitoring group. Quite the contrary. But they have to have a clear mandate and guidelines on how they should and shouldn't do their work," Wenaweser said. "They didn't bother to verify basic facts; they got some things wrong. Travel dates. Spelling of names. Some of the stuff was silly."

Chile's U.N. ambassador, Heraldo Muñoz, the U.N. terrorism committee's chairman, said the new eight-member panel—called the Analytical Support and Sanctions Monitoring Team—would give "more teeth" to U.N. anti-terror efforts by strengthening the committee's expertise in finance and border controls, and improving its capacity to analyze terrorist trends.

"I would like a monitoring team that is efficient, that is independent and that can closely collaborate with the committee," Muñoz said.

Mr. GRAHAM of Florida. Thank you, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent I be allowed to speak for up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OUT-OF-CONTROL DEFICIT

Mr. GREGG. Mr. President, we are about to take up a new spending bill in the Senate involving transportation funding for the United States. This bill, which is an important bill, comes to the Senate in a fiscally unsound condition. That is regrettable. What is even more regrettable is that this is the continuation of an unfortunate line of legislation which has come to the Senate and which has been passed by the Senate and passed by the House. In some cases, not passed by the Senate but at least passed by the House, and has significantly expanded spending at the Federal level, which has in turn dramatically aggravated the national deficit. This is unfortunate.

To recap some of the bills, we had, for example, the agriculture authorization bill, which included basically a conversion to an entitlement scheme of most of the agricultural programs and dramatically increased spending in those accounts well above what we would have budgeted on the discretionary side.

That was followed, of course, by the most significant piece of spending legislation in my career in Government, the most significant piece of legislation from an entitlement standpoint since the Medicare bill was originally

passed back in the late 1960s, early 1970s period, and that was the Medicare prescription drug bill. That bill included \$400 billion—as represented, at least—of new spending over 10 years, which was unpaid for, and which had, after it is outside the 10-year budgeting window and got into the real terms of how that bill was going to affect national spending, had a price tag of somewhere between \$6 and \$8 trillion of unpaid-for spending.

I did not support the Medicare prescription drug bill because I felt it was the largest generational tax increase in history, basically raising significantly the benefits for one generation which will have to be paid by a younger generation. That means the younger generation is going to have to increase their taxes significantly to support the older generation, my generation, the baby boom generation, by the tune of \$6 to \$8 trillion. Thus, I did not support that bill because I did not think it was fair to the younger generation to put this tax bill on them without substantive reform in the bill which would control the costs of Medicare. We passed this bill only 2 or 3 months ago.

Now we learn the original estimates of the bill, which were \$400 billion over 10 years, were misstated. It now appears the bill is going to be projected at costing \$500-plus billion. That amount also is probably misstated. That is probably a conservative number. At the time the Medicare bill was debated in the Senate, there were some Members who said the accurate reflection for the 10-year period was closer to \$700 billion, but the debt was not being correctly stated and, scoring being scoring, the bill came in at \$395 billion. Ironically, if it came in at \$401 billion, it would have been out of order, but it came in at \$395 billion so it was in order.

Now we learn 3 months later it really was \$500-plus billion. That is just in 3 months. Imagine, if it jumped \$100 billion, or 25 percent in 3 months, at the end of a year, if you project that number out, it will jump—that is a progressive geometric number—somewhere around 200 percent by the end of this year. Hopefully not.

In any event, the fact that we were misled, the fact that this number is so high is unfortunate. The problem is, it puts in place structural spending which is out of control and which has to be paid for by one generation in order to support the next generation, which is unfair for our generation to do to our children unless we put in place reform. And there was no significant reform. That was the most egregious act I have seen in my career in Congress or in Government in the area of fiscal responsibility, because of the inappropriateness of one generation passing a tax increase on to another generation.

That bill, which was a huge bill, was then followed by the Energy bill. The President of the United States asked for an \$8 billion Energy bill. I supported an energy bill. We need an en-

ergy bill. It should be based on expanding conservation. It should be based on expanding renewables. It should be based on expanding supply. I am one of the few Senators from the Northeast who aggressively voted for all three of those areas. However, when the President asked for \$8 billion, I thought that was reasonable and it was a budgeted figure.

What happened? The Energy bill came back in the Senate at \$24 billion which was \$16 billion over what the President asked for. Due to a group of Members, fiscal conservatives and people concerned about some of the technical aspects of this bill, it did not make it through a filibuster issue.

Now it is up to \$31 billion. It just keeps going up and up and up. Those costs have to be passed on, once again, to our children, because we are basically financing the cost of that Energy bill on our children's backs through deficit spending. It is totally inappropriate that a bill that was supposed to be \$8 billion ends up at \$31 billion.

Those bills are three egregious examples in the area of spending control, now to be followed by a fourth, it appears. Presently, we have the Transportation Equity Act for the 21st Century, known as TEA-21, which basically funds the construction of highways, rail, and intermodal transportation in this country. This area of activity for governance is generally accepted to be an important part of our job as stewards of our country. We must maintain a strong infrastructure. I certainly believe that. So to accomplish that when TEA-21 was passed a few years ago, there was a 40 percent increase in funding over the previous funding bill, ISTEA.

The theory was that we would take the money from the trust fund, which was paid in through the gas tax and other related taxes, and fund transportation in this country to the full extent of the amount of money we were taking in from the users of the highways and the users of the transportation system. That was a reasonable approach.

There is no reason we should be taking money from the gas tax and using it for other exercises in Government, other needs in Government, whether they are justified or not, such as investments in agriculture or investments in small business or investments in education. It is appropriate that we should use the user fee, which is the gas tax, to support the construction of highways.

The whole concept of the transportation bill was: We would pass a transportation bill which funded the construction of highways in this country and intermodal transportation at the level that the transportation system was supporting itself, basically through the gas tax and other revenue sources.

We budgeted for that as a Congress, and then it was sent to committee. Regrettably, what we have seen come out

of committee is something entirely different. What the budget suggested we spend in this area—depending on how you account for this—is either \$221 billion or \$255 billion. Mr. President, \$221 billion is basically what the revenues are coming in from the highway fund, but we could have gone up to \$255 billion if the total spending could be paid for by legitimate sources of income into the trust fund. Unfortunately, what happened when this bill came back was we ended up with a \$318 billion bill. This represents a \$93 billion increase over present funding under TEA-21. In fact, the Senate position is conservative compared to the House's position because the House is looking to pass a bill which represents something like \$375 billion for this six year period of spending.

These numbers are staggering. There are going to be a lot of numbers thrown around this body in the next few days on this bill, but no matter how you account for it, it is fairly clear this bill is over the budget by somewhere between \$30 and \$70 billion, depending on where it ends up, maybe even more. That is inexcusable.

There will be an attempt to mask this. In fact, the Finance Committee will report out language which tries to accomplish that. They took a whole series of different taxes which are now flowing into the general fund, and they moved those taxes over to the trust fund, thus claiming the trust fund had revenues. They do not mention the fact, of course, that aggravates the general fund because if the money is not going to go into the general fund, then that becomes a deficit event.

Again, it is not absolutely clear, because we have not gotten all the numbers yet, which is one of the reasons we should not be bringing this bill up yet, but it appears we are talking somewhere in the vicinity of \$20 to \$40 billion of gamesmanship here by moving revenues out of the general fund into the highway fund, and by claiming revenues from sources which do not pay revenues in. It appears that is a game that is being played.

It is staggering when you think about it that we would have the chutzpah as a Congress to call up a bill that is \$30 to \$70 billion over the budget and in deficit when the deficit was just reported as being \$520 billion—or projected to be that much for next year—and \$477 billion for this year. It is as if there are blinders on in this institution on the issue of spending.

Unfortunately, it is a bipartisan problem. That is why I guess it is happening so often. The Agriculture bill was a bipartisan bill. The Medicare bill was a bipartisan bill. The Energy bill was a bipartisan bill, and it appears that this highway fund has enough of a bipartisan majority to ram it right through this Senate, as fiscally irresponsible as it is.

The problem is this: We can build all the roads in the world, but if we do not do them in a fiscally responsible way,



then our children are not going to be able to afford cars to drive on those roads. Their quality of life is going to be reduced because we are adding to the deficit, and that means we are adding to their tax burden every time we do this. That debt burden translates into a reduced quality of life for future generations.

We have put forward as a Congress a legitimate benchmark for legitimate spending in the area of TEA-21. The budget had in it a proposal to significantly increase TEA-21 spending, I think by something like 30 or 40 percent. But that has been ignored. It has been claimed that that amount is not enough. No. We have to go ramming past that and propose a bill on the floor of the Senate that is \$93 billion over last year's spending and \$30 to \$70 billion over what the budget called for. And that is just the start.

There is a game being played here besides the fact that most of the revenues for the additional funds which are claimed to be offset here are illusory, which is so outrageous that it gives smoke and mirrors a bad name. That is just the start because we all know what is going on. There is an agreement, a sub rosa agreement, if you wish, between the people who are supportive of this bill in this body and the people who want more spending in the other body that this figure that comes out of the Senate is irrelevant, that the final number is going to be a lot higher than the Senate number. As I mentioned, the House is already talking about numbers in the high 300s, and the representation we hear is we will be closer to the House number coming out of conference than the Senate number, which is already grossly inflated as far as cost.

So I just simply lay this marker down. We are going to have to start getting serious about this deficit. We have not so far as a Congress, but we are going to have to because it is our job. It is our job to be stewards not only of today but of what we pass on to tomorrow.

If we are going to be good stewards, then we have to be fiscally responsible. I hope others will take a serious look at this bill before they vote for it. Before they even vote to go to it, it would be nice if we actually knew what was going on and how many more games are going to be played before we go to the bill in its substantive form. We should certainly be willing to ask that much before we have cloture on the motion to proceed.

But, in any event, as we debate the language of this bill and the purposes of this bill—which are well intentioned, and which can be paid for at a reasonable price—we need to keep in mind that this is one part of a series of bills that have not been fiscally responsible, and we have to start someplace in being responsible in managing the dollars of this country effectively. The other horses are out the barn door, with the exception of energy, although

there is some talk that they are going to attach energy to this bill.

This is the only item that is before us so far, but it is a big one. Therefore, we should take a hard look at it. Before we move it out of this body, we should try to bring it back in line with our budget and with the realities we face as a country, which is that we are spending a lot more money than we can afford as a Government.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

#### SAFE TRANSPORTATION EQUITY ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume consideration of the motion to proceed to the consideration of S. 1072.

Madam President, we are about to begin discussion on the cloture motion we will be voting on this afternoon. It could be considered by many people as the most significant piece of legislation we will be dealing with this year or maybe even in a 6-year period. The current extension of TEA-21, passed in 1998, expires on February 29. We have to act. We have no other option. Some might argue that we can do another extension, but another extension without Senate action on a 6-year bill sets us up for not doing a reauthorization bill this year at all. That is just not acceptable.

The President has released his fiscal year 2005 budget, and I believe it misses the mark with transportation funding. He proposes funding \$256 billion on highways and transit, approximately \$55 billion under the Bond-Reid amendment that we agreed to with a plurality of 79 votes.

Earlier today we heard from Senators who believe that S. 1072 proposes a level of spending that is too high, that we need to bring it into line with the President's numbers. I disagree. I strongly support the President on virtually everything he is doing, but in this case I do not agree. We have a crisis in the country in terms of our infrastructure and we must meet this crisis. We need to stick with the Bond-Reid level and need to get the bill done now.

For those who want to wait to do a bill, we caution you that putting this off only makes it harder. The current extension is spending down the trust fund balance. If we do another extension, the balance will be spent down even further, which means we will have little choice at that point but to increase fuel taxes. In my mind, indexing

fuel taxes was probably a fiscally responsible position at one time because it does preserve the purchasing power of our transportation dollars. But I also understand the political realities. I know it is not a viable option at this time.

This bill does not assume an increase in fuel taxes. Due to the good work of Chairman GRASSLEY and Ranking Member BAUCUS, both of whom I met with this morning—and both have been real champions in working diligently to make this happen—the deficit is neutral in this bill.

Don't fool yourselves into believing that delaying action on this bill is saving money. The exact opposite is true. For instance, our transportation infrastructure will continue to deteriorate. Thirty-two percent of our major roads are in poor or mediocre condition. Thirty-nine percent of our bridges are structurally deficient or functionally obsolete. As much as I hate to admit it, my State of Oklahoma ranks last of all 50 States, which is not too complimentary to the idea that I am the chairman of this committee. The cost to address these issues only increases the longer we wait.

In addition, the economic consequences escalate because poor infrastructure contributes to congestion, which means lost productivity to the tune of \$76 billion.

Additionally, another delay to enacting a 6-year comprehensive bill will frustrate our State departments of transportation in their own programs. They need the assurance and security of a stable Federal program in order to make their individual programs work. As you well know, they have worked on these programs now for not just months but well over a year anticipating that we would have this reauthorization underway.

Finally, we are missing an opportunity to create jobs. For every \$1 billion invested in Federal highway transit spending, 47,500 jobs are created. We estimate that S. 1072 will impact the overall job growth by 700,000 jobs. To the construction worker, our bill would generate over 2 million opportunities for employment. In other words, when one job ends, there will be another opportunity available so the construction worker can move from one job to another thereby avoiding unemployment. I think that is a good thing and one each of us in this Chamber should be willing to roll up our sleeves and work to get done. I anticipate that is exactly what we are going to do.

In addition to a job creator, spending on transportation makes good economic sense. For every \$1 billion in transportation expenditures, the gross domestic product increases by \$1.75 billion. Furthermore, transportation investments improve freight mobility which in a "just in time" delivery business model is critical to growth.

I recognize for those who believe this bill should be stopped for budgetary reasons that my arguments may not

meet with a receptive ear, but I do want you to understand that voting no on cloture means you are voting no on addressing the repair and rehabilitation needs of our 50-year interstate system which is at the heart of the economic engine of the Nation. Voting no on the cloture motion would be voting no on the creation of over 2 million employment opportunities and no to 700,000 new jobs. It would be voting no on addressing congestion problems which cost the economy \$76 billion annually and voting no on increases to gross domestic product.

Finally, if we are able to proceed to S. 1072, I will be asked by many of you to help you with individual needs in your States. I am happy to do that. I want to do that. But before I can help you, you need to help me.

I ask you to vote yes on the cloture motion so that when the need comes up in your State and you have a need to meet a crisis, or you have special project needs, we will be helping each other. I think we all understand that.

Some people who have actually read the legislation we are going to be considering are still saying that perhaps it is not meeting the environmental goals or it is not meeting the public participation. I think this is one of the major strong points of this legislation. We have spent a lot of time—and I have to tell you that the ranking member, JIM JEFFORDS, along with KITT BOND, and of course HARRY REID, the Senator from Nevada, have all been very cooperative—in working out things. There are some things in this bill that I don't like, but compromise has been the name of it.

For example, on the environmental issues, it requires metropolitan planning organizations and State transportation planners to consult during regional planning with agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

It expands the number and types of environmental and resource agencies participating in the environmental review.

It provides a new opportunity for environmental and resource agencies to participate in the development of the environmental review schedule.

It establishes a new obligation for the lead agency to consider the needs of environmental and resource agencies when developing the review schedule, including the responsibilities of resource agencies under applicable laws, resources available to environmental and resource agencies to conduct the review, and the sensitivity of the national and historic resources that could be affected by the projects.

It provides a new opportunity for environmental and resource agencies to participate in the development of a project's purpose and needs statement.

It provides a new opportunity for environmental and resource agencies to participate in development of the project alternatives to be reviewed.

It provides new opportunities for transportation planners to consider transportation land use and environmental plans when conducting the environmental review.

It creates a new obligation by the lead agency to make available promptly to environmental and resource agencies information useful to an environmental review.

I was around back in 1991 serving in the other body when we put together ISTEA. It is a very comprehensive bill. I was also involved on this committee in 1998 when we were putting together TEA-21. But in none of those efforts and in none of that legislation were the environmental concerns met as well as we are meeting them here.

The same is true with public participation. Those of us who serve in the Senate are constantly inundated at our townhall meetings by people saying they do not have the opportunity to participate in these things. We are correcting that. We think that people and other governmental agencies should be a part of it.

There is a specific new section devoted to improving public involvement in transportation planning and projects, directing State and metropolitan transportation planners to hold public meetings at convenient and acceptable locations and times, to employ visualization techniques to describe plans, and to make public information available electronically such as the World Wide Web.

There are new opportunities for public comment on specific environmental factors considered by metropolitan planning organizations and States during the transportation planning. We know this is true when we go back to our States. They tell us that in their department of transportation—I am sure in North Carolina, in Nevada, in Oklahoma—if they have the chance to plan in advance to have this comprehensive bill in front of them—not just another extension—they then can make their long-term plans get much more from the construction dollars.

I reemphasize that there is nothing we are going to do in this Chamber which is going to provide more jobs than will be provided by this bill. That is why it is so important that we defeat cloture and get on with this and get it done in the next 10 days or so.

I compliment the leaders on both the Democrat and Republican side, and particularly Senator REID, the assistant minority leader, for his cooperation in helping us to make this a truly nonpartisan and bipartisan effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, it is with a certain amount of sadness that I worked on this matter this weekend and looked over all the past history of the surface transportation legislation. The sadness comes because Pat Moynihan is not here. When we started working this bill last year, I asked

Senator Moynihan to come visit with me and my staff. He did. He came with that smile. I always had the feeling with Senator Moynihan that no matter the subject he always knew more than I did. He had a lot of humility. Even though he knew that he knew more than most anyone he dealt with, he never flaunted that great mind that he had.

The legislation we have before us today is basically what Pat Moynihan envisioned for our country. Serving with him on the Environment and Public Works Committee—which I did for my tenure in the Senate—was like going to school and not having to take the test. Senator Moynihan was wonderful. He would talk about the great Robert Moses of New York and the planning that he did.

I hope that all of us as we proceed through this bill will understand the greatness of Pat Moynihan, and what he has done for our country.

Everywhere in the Nation's Capital there is evidence of Pat Moynihan. I worked in Washington, DC, as a Capitol policeman, going to law school. And when I worked here as a Capitol policeman, Pennsylvania Avenue was a slum. During the Kennedy inauguration, Pat Moynihan recognized that and said we should do something about it. He was just a bureaucrat at the time. But he proceeded from that time to help develop the Pennsylvania Avenue Development Corporation. Now you can go up Pennsylvania Avenue to the White House and it is one of the most beautiful streets in the world because of Pat Moynihan.

I hope we proceed through this legislation recognizing what a wonderful man Pat Moynihan was. One cannot stop but think of the things he did, including the Ronald Reagan Building. For 50 years that was a big hole in the ground. In the Nation's Capital we had this big nothing. Pat Moynihan said: We cannot spend enough money on that; we will build a building there. That is a building that Ronald Reagan, I am sure, in his own way, is proud of. There is not a more beautiful building in the Nation's Capital, with the exception of maybe the Library of Congress, than the Ronald Reagan Building. That is Pat Moynihan's. It is his.

Mr. INHOFE. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. INHOFE. Is the Senator aware that Patrick Moynihan was born and raised in my city of Tulsa? He was the first one when I came here—not to the Senate but to the other body—to whom I came over to talk. We developed a very close relationship. Someone could wonder, how could this be—you have one who is a dedicated liberal, one who is a dedicated conservative, having that affection.

When I was elected to this body in 1994, his office was next door to me. I confess right now before all these people, when the bells rang for a vote, I would go and look down the hall and wait until Daniel Patrick Moynihan

was coming up so I could walk and talk with him on the way over. He was just a remarkable person. There is a lot of dedication to him in what we are doing today.

Mr. REID. I appreciate very much the Senator from Oklahoma recognizing the goodness of this man. He is absolutely right. I am sure the Senator learned a great deal in those walks from the Russell Building over here.

I remember Senator Moynihan and I sat together on a bus going from the airport to the funeral of the great John Chafee. During the entire trip, he pointed out, as we traveled to Rhode Island—Providence, I think is where the funeral was—all the architecture, the history of the buildings, as we drove up to the beautiful church. And when we got to the church, he told me all about that church.

I wish I had the recall of Pat Moynihan. I wish I had 20 percent of the recall ability of Senator Moynihan. He had such an ability to communicate. As Senator Bumpers said, upon the publication of Senator Moynihan's 15th book—or whatever it was—you have written more books than I have read.

He was a great man. I have my heart full. Part of it is gratitude for knowing a man such as that, that there are great ones on this Earth. Pat Moynihan was a great one.

About 50 years ago, one of the really fine Presidents we have had, a Republican, President Dwight David Eisenhower, presided over the creation of the Interstate Highway System. On that occasion, he said:

The Nation badly needs new highways. The good of our people, of our economy and of our defense, require that construction of these highways be undertaken at once.

President Eisenhower continued:

We have fallen far behind in this task. . . . Today there is hardly a city of any size without almost hopeless congestion within its boundaries and stalled traffic blocking roads leading beyond these boundaries.

President Eisenhower said what we needed to do in this legislation: If there was ever a time in the recent history of this body when we had to do something on a bipartisan basis, it is this bill. People stuck in traffic are Democrats and Republicans. It is equal opportunity, whether you are stuck in traffic in Las Vegas, Phoenix, St. Louis. There are people of both parties stuck in that traffic, losing valuable time. If they were not stuck in that traffic, they would make our country more productive.

Why did President Eisenhower feel so strongly about an interstate highway system? He felt that way because, as a young major, he was asked in the 1930s to bring a convoy of military vehicles across the country. It was at that time he realized there was no easy way to do it. The roads were hopeless. There was no way you could travel this country, even for military purposes, easily. At that time he realized something needed to be done, and when he became President, that was one of the first things he pushed.

People who are complaining about the cost of this bill, Republicans and Democrats, should understand that the highway bill President Eisenhower originally sponsored was also criticized as being too costly. This bill is not too costly. One of the compromises the Senator from Oklahoma worked out with Senator JEFFORDS and me is that it is as small as it is. If it were up to Senator JEFFORDS and this committee, it would be bigger. It is because of the chairman of the committee that it is as small as it is. I hope everyone who criticizes the Senator from Oklahoma, Mr. INHOFE, understands he did yeoman's work.

As we speak, the House is talking about a bill bigger than ours. They criticized President Eisenhower for a bill being too big and they criticize us for a bill being too big. In my opinion, the bill is too small.

Part of the reason for President Eisenhower's bill, the Interstate Highway System, has been completed. We have many more different responsibilities now than we had then. In recent years, we have done some very good work with highway transportation.

Going back to 1982 when I first came to Washington, we had the Surface Transportation Assistance Act. This bill established the mass transit account, the highway trust fund. The reason that became important was, people came to the realization that for every vehicle we keep off our highway system, it saves money. It was determined that it would be good if we became partners with the mass transit folks and worked together on legislation. That was what we did in 1982 and that is what we are doing now. That is why it is such good news that the Banking, Housing, and Urban Affairs Committee, that handles mass transit, has agreed on a proposal.

Senator INHOFE, Senator JEFFORDS, and I met today with the chairman of the Finance Committee and the ranking member of the Finance Committee, Senators GRASSLEY and BAUCUS, and they have agreed to that. That is really important. That started back in 1982. At that time, there was an 85 percent minimum return provision. That means for every dollar put into the highway trust fund in a State such as North Carolina, there was a guarantee they would get at least 85 percent of the money they put in. Some States got more than that, but 1982 was the first time there was a minimum return provision. One of the controversies in that bill was an increase in the Federal gas tax from 4 to 9 cents per gallon. It was a good bill and passed.

In 1987, 5 years later, we had a bill called the Surface Transportation and Uniform Reallocation Assistance Act. It was not a very sexy name but it got the point across. It increased the speed limit, which was so important for States such as Nevada, from 55 miles per hour to a higher speed. It worked out well and we hope that continues to be OK. In a State such as Nevada—800

miles from the top to bottom, 500 miles across—you need to be able to travel in a safe manner on an interstate highway system faster than 55 miles per hour.

It also included a provision requiring States to spend a specified minimum amount for environmental purposes. That was the first time the highway bill had really taken that into consideration. So that was important.

Congress felt so strongly about this that President Reagan vetoed this bill. It was overridden by the House and the Senate. That does not happen very often, but the Presiding Officer, who was part of the administration during that time, recalls that.

In 1991, we had the Intermodal Surface Transportation Efficiency Act, ISTEA. That is where the name comes from—ISTEA. This created the Congestion Mitigation and Air Quality, CMAQ, program, which has been a program that the environmentalists love, and some who are not as environmentally sensitive do not like it. But these programs were established then and dealt with air quality.

With the interstate system largely complete, as I indicated earlier, ISTEA shifted the Federal program from capital construction to focus on people and the movement of goods. This is where Senator Moynihan was so good. It also expanded the transportation decisionmaking process to include local officials, stakeholders, and citizens. And that passed.

It seems as if it was just a short time ago when, in June of 1988, we passed TEA-21, the Transportation Equity Act for the 21st Century. This continued the basic policy structure established in ISTEA. It dramatically increased funding of the Federal Surface Transportation Program and established important budgetary protections or firewalls to guarantee highway and transportation spending. And, for the first time since 1982, we increased the minimum return to 90.5 percent, which was very important.

I also want to make sure the record is clear from this Senator's perspective of the contributions to highways and transit, and basically good government, that came from John Chafee. I have been so fortunate. I worked through all these bills that I have talked about, and I have had the very good fortune to work with Senator Stafford, as chairman of the committee, the great Senator from Vermont; Senator Moynihan for a short time; Senator BAUCUS; Senator Chafee; and these men set a high level that we who are now trying to move this bill must meet.

But Senator Chafee was such a good friend to me personally. He did so many things to help me in my political career. Even though he was a member of the other party, he went out of his way to always try to make me look good. I will always be indebted to him and his family, and that includes LINCOLN, for all the good things that Senator Chafee did for me. Even though I

was closer to Senator Moynihan than I was to Senator Chafee, I felt such a kinship to Senator Chafee and cared a good deal about him, and his imprint is also on this legislation. Senator Moynihan could not have done much of what he did without Senator Chafee working with him.

This bill we have before the Senate is good legislation. It is imperfect. This legislation that is before this body is imperfect legislation, but it is the best we could do. For 50 States, having a formula that you put into a computer and do your computer run which comes out as good as this one says a lot for the great work of our staffs.

As Senator INHOFE has said, I would like to do different things in this bill. If I had been the person dictating what was in this bill, it would be different than what we have in it. But, frankly, I am down the totem pole. You have the chairman and ranking member and the subcommittee chairman and then me, but I did have some input in this measure. I think what we have come up with, as I indicated, is far from being perfect, but I think it is good legislation. And that is what legislation is all about.

Legislation is the art of compromise. I have been fortunate that a number of measures I have introduced are now law in this great country. I have never ever gotten everything I wanted. Everything that is now law that I introduced had to be changed. Anyone who is of the mind that they are going to get what they introduced is wrong because it just does not happen. I have never known it to happen.

This legislation we have been given by the two leaders we have 2 weeks to finish. If we do not finish it in 2 weeks, I am sorry to say what might happen. What might happen is this bill will be pulled, and we will have to extend the highway program for a year. That does not help any State. No State is helped with that program. Every State gets hurt. So we have to move and move quickly on this bill.

At the birth of the interstate system, safety and the efficient movement of people and goods framed the national transportation debate. Fifty years later, as President Eisenhower indicated, that is still the talk, the same speech. You could give the Eisenhower speech today on the floor of the Senate, and if we did not tell you it was 50 years old, you would think it was being given by someone who wrote it today. Fifty years after President Eisenhower's interstate highway system, safety and efficiency remain our foremost objectives.

This year, traffic congestion will cost Americans more than \$67 billion in lost time and productivity—\$67 billion in lost time and productivity—and it will waste almost 6 billion gallons of fuel. I cannot imagine 6 billion gallons of fuel. I do not know where you would put all that, but that is how much is wasted, which only increases our dependence on foreign oil.

As for safety, traffic accidents last year killed 42,000 people. We can reduce the toll of traffic congestion. We can save lives by making our highways safer. We have a responsibility to keep working on these problems and to find meaningful solutions.

The bill currently before this body represents a major commitment to maintain and improve our national transportation infrastructure. It also creates jobs.

Again, there has been controversy over there not being enough jobs created during the 3 years that President Bush has been President. Those people who are trying to damage this bill should understand this legislation will create hundreds of thousands of jobs, some say as many as 2 million jobs.

The majority leader of the Senate was here today, and he said for every \$1 billion we spend in this highway bill, \$2 billion will be created by other things, the offshoot of this legislation. We know for every \$1 billion we spend on infrastructure development, 47,000 high-paying jobs are created. We know that. And these are well paid, skilled jobs for Americans.

This bill is also a referendum on improving our quality of life. No other measure will we debate in this Congress that has the potential to so dramatically impact every facet of our everyday lives.

I thank my colleagues, the entire committee, but especially Senator JEFFORDS, Senator INHOFE, and Senator BOND for working to craft a bipartisan package that continues the intermodal legacy of its predecessors, ISTEA and TEA-21.

Our proposal does not make dramatic changes to the core program structure because it does not need to. The groundwork has already been laid. During a year's worth of reauthorization hearings, the committee learned that the basic structure does work.

This package refines and improves the current program to ensure that our investments have the maximum impact on improving our surface transportation system.

Nevada is the fastest growing State in the Union and has been for more than a decade. Clark County—that is where Las Vegas is located—has experienced the bulk of that growth. This growth represents unique challenges but also opportunities.

The bill before the Senate provides resources and programs that encourage the effective management and operation of our Nation's transportation system. The continued success of that system is essential to fast growing metropolitan areas such as Clark County, where traffic congestion and air quality are serious issues.

This legislation also places a renewed emphasis on safety by consolidating the various safety initiatives spread through the Federal highway program into new core safety programs. One of the aspects we have worked on includes something called the Safe Routes to

School Initiative. It was felt that we wanted to do everything we could to have kids walk to school, ride bicycles to school. Why do they have to have a bus pick them up and drop them off at their door? One of the things we are doing is creating safer routes for children. If they want to use a bike or walk, we have bike paths and sidewalks.

This is important because, for example, in Clark County, we have opened, in the last 2 years, 18 schools a year, a total of 36 schools. By opening one new school a month we can't keep up with the growth in Clark County. We have high schools that are approaching 5,000 kids. So the safer routes to school program will help promote healthy living by making it safer for children to walk or ride to school on bikes, not cars and buses. I am pleased this package moves the Nation's surface transportation program forward without jeopardizing our natural environment.

One of the things we did in this bill, which was difficult, States have complained about. Originally back before 1982, some States were barely getting 80 percent of what they put into these trust funds. We moved it to 85, 90.5. And now with this bill, the formula now before the Senate, every State, by the end of this legislation, will get 95 percent of what they put in. That is very difficult. It goes without saying that some of the States who were getting more than a dollar in years past, a lot of them continue to get more than a dollar, but some of them don't. The State of Nevada, under this formula, gets less than a dollar. But in fairness, the formula is a formula. It wouldn't have been right for the formula to be any different for me than it is for others. So this is fair. We have made it so every State at the end of this bill will get at least 95 percent.

In this legislation every State will get a percentage increase. This legislation is not perfect, but it is about as fair as we could do. I have worked with my staff the last 4 or 5 days to say, could you come up with something. I had a few problems with the legislation. Come up with something. I will talk to Senator INHOFE because we might have a formula that may be better. We couldn't come up with one. I wish we could have, but we couldn't. But what we have done here is the best we could do. The vast majority of the States will do extremely well compared to what they did in the past.

As with any compromise, this is not perfect. It is inevitable that some States will not be completely satisfied with the results, but it is important to note every State benefits from the growth in this program.

We worked hard to create a funding mechanism that allows all 50 States plus the District of Columbia to benefit from program growth while addressing several competing fundraising priorities: Donor versus donee, old versus new, urban versus rural. These have all been put in this formula, and we have

come up with what is as fair as we think we can do. The bill before us accomplishes that goal.

Once more, let me emphasize, every State benefits from the growth in the program. So again, I extend my appreciation to my colleagues—the chairman of the subcommittee, the chairman of the full committee, and Senator JEFFORDS, the ranking member—for the good work they have done. We are all going to have to be vigilant. I hope those who want to change the bill come here and offer amendments. I hope they do it as soon as possible. We hope to get to this bill tomorrow. We are hopeful and confident the motion to proceed should be overwhelmingly approved. I can't imagine anyone voting against this.

I was told by the person who asked me to object on their behalf on the motion to proceed that that Senator was concerned about the transit portion of the bill. That has been taken care of. The chairmen of the two committees have signed off on this. I hope we can move forward on this very quickly.

Again, I am glad we are here. What we do on this legislation will set a tone for the rest of this legislative year. I hope we can permit it. I should be more confident, like the players in the Super Bowl and the coaches: We are going to finish this legislation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First of all, I reextend my appreciation to the Senator from Nevada for all the help he has been. His expertise is well known in this Chamber, and he has been on the opposite side of me probably more than on my side. I like it this way better.

I would like to amplify a couple things Senator REID talked about. I think it is significant, when you talk about where we are now relative to where we were in TEA-21, the last 6-year reauthorization. Our average is 35.6 percent higher. The average State is higher than it was in TEA-21.

In the comments he made about a computer run, I know this is kind of complicated to explain to people because it is the only way I think you can come up with something that is very fair. Prior to this, in previous years under TEA-21, we had the 1104 table which was a minimum guarantee. That was a percentage that each State had that was a percentage of the total growth. It was purely politically driven.

I don't like the way some of these things come out of the computer. But when this came out, I agreed with Senator REID, there is not a better way of doing it. I will give an example. I was talking to one of the Senators from Pennsylvania who was complaining about perhaps not getting the share they should have gotten. So I did a comparison.

My State of Oklahoma—I hope no one from Oklahoma is listening right now—is 70,000 square miles. Pennsylvania is 46,000 square miles. My State

of Oklahoma has a population of 3.5 million. They have 12.2 million. The historic rate of return since we came in to the first bill, through Senator Moy-nihan, has been .87 percent. Pennsylvania has been 1.16 percent. This is the key: the total miles. Unfortunately, I don't have this less toll roads, but I will explain the difference.

If you take the total amount of miles in my State of Oklahoma, it is 112,000 miles. The total number of miles in Pennsylvania is 119,500 miles, but that includes toll roads. We all know Pennsylvania has a lot of toll roads. So when you take them out, I am quite sure the number of miles we refer to in this legislation would be more than Pennsylvania. And yet if you look back historically, in 1998, Oklahoma received \$351 million; Pennsylvania \$1.16 billion. In 1999, Oklahoma received \$413 million; \$1.3 billion for Pennsylvania. It goes on consistent with that.

What I am saying is, even under the formula we are looking at right now, Pennsylvania is getting back about three times the amount. Again, there are other factors. I am sure we will be talking about those from State to State. But it shows it is very difficult to come up with something that is fair. There is not one State that will not be able to go back to their people and say how well their State is doing under this.

I don't sound like a conservative Republican when I am talking this way, but this is one area where conservatives believe Government has a function, a strong role, and that is to build infrastructure. We have not been doing a good job of it. I know this because I spent 8 years in the other body. During that time, I was on the committee called Public Works and Transportation. It is strictly transportation, not like EPW, which is environment, all the regulatory agencies, and transportation. So it is just about half the jurisdiction. But during that time, we watched what was going on, and I was right on top of it.

When I came over to this body in 1994, I became chairman of the Clean Air Subcommittee. I kind of left the transportation part. When we came back and I became chairman of the Transportation Infrastructure Subcommittee, all of a sudden I realized what had happened in the 4 years I had been detached from transportation.

When you talk about the number of vehicles that are traveling, the number of trucks, the number of congestive stops, where you have to sit and idle your engine—we are handling all of these things in this bill. I think during that 4-year period we did a bad job. We didn't do what we should have done. Quite frankly, in 1998, I wasn't real happy that we weren't really meeting the problem. A computer run is tough. You have to consider that some States are fast growing States, such as Nevada, big States such as California, Florida, Texas, and some of them would be complaining that they are not

doing too well. It is because you have to have a ceiling, a growth ceiling. If you have a growth ceiling and they are getting back an inordinate amount of money, it bumps into that ceiling. At the same time, you have donor and donee States. If you take Texas and Pennsylvania, both of which might argue they are not treated fairly, if you make a change in one, it is making an adverse change in the other. I think we have to say we have done a good job when you look at this.

One thing I think is important to talk about is the public views. I think the general feeling is that we spend too much money in Washington, and I think we do. But when it comes to their views on transportation investment, it is totally different. In January, last month of this year, Zogby International conducted interviews of a thousand likely voters chosen at random nationwide. That is a pretty big sampling, as those of us know who read these polls. It is about twice the size of the average poll.

Eighty-seven percent of those interviewed said the Nation's highway and public transit network is very important to the Nation's economy; 83 percent agreed that President Bush and Congress should do more to help create jobs for those Americans who want to work, even though the latest Government statistics suggest that the U.S. economy is rebounding; 69 percent favored boosting Federal spending on transportation projects during 2004, and that is significant—69 percent of the Americans favor boosting the amount of money of Federal spending on transportation projects during 2004 as part of the transportation or jobs creation initiative, as well as part of the transportation needs and infrastructure needs. I think that is very significant. According to the same pollster, that is how nearly 70 percent of American voters responded.

In a survey they conducted a year before, they said they believe America is facing a transportation capacity crisis. That is what I was saying we were observing a year ago—that our Nation's roads, airports, and mass transit systems are struggling to handle a growing population economy. Fifty-six percent overall, and 79 percent of young women with children, said traffic congestion is depriving them of more time with their families or for leisure activities than it did just 5 years ago. That is significant.

These are social problems that exist because we are not doing an adequate job. These answers should not surprise anyone. It says that, since 1982, the U.S. population has grown almost 19 percent, the number of registered motor vehicles has increased by 36 percent, and vehicle miles traveled has ballooned 72 percent. Surprise, over the past 20 years, we have added less than 5 percent to road capacity and even less than that to public transit. So we added even 5 percent less to road capacity in spite of the fact that the population has grown 19 percent and the

motor vehicles have increased by 36 percent.

Just take that as one statement, one statistic, and that justifies everything we are doing in trying to beef this up. It proves that what we are doing now is inadequate, but it is the best we can do under the circumstances.

Forty-eight percent of those surveyed by Zogby described the condition of the roads in their local communities as either fair or poor. That was the assessment of 75 percent of Hispanic Americans.

The survey polled a random sample of a thousand likely voters nationwide—the margin of error is plus or minus 3 percent—and highways and public transit are consistently important to Americans. They said in a commentary accompanying the survey that highway safety and efficient public transit are also high priorities. Overcrowded roads are not only a concern for commuters but also for Americans who are nervous about another terrorist attack.

Other key findings: 80 percent think the Nation's highways and public transit network is extremely important or very important to the U.S. economy. The fact is, I commented in my opening remarks that this is by far the biggest jobs bill that we can be considering at any time. That is what 80 percent of Americans say.

Nearly 8 in 10 also agree that an investment in highways, bridges, and public transit should be considered an important element in homeland security and national defense. We know this administration is very concerned about national security and homeland defense. I am glad they are. We are overdue in addressing these issues. The people agree with that, also.

Nearly 90 percent feel it is important that their representatives in Congress fight to ensure sufficient Federal funding for transportation improvement projects in their local areas. That is interesting because this is at a time when people are complaining about the amount of money we are spending.

Two-thirds of Americans say roads and public transit systems play a highly important role in their everyday lives. We are concerned about congestion. I am in my State of Oklahoma. I am sure it is the same problem in North Carolina and virtually in every State.

One of the foremost authorities in putting together, consolidating the concerns has been the Texas Transport International; that is the Texas Aggies' group that put together something that they conduct annually—not just in Texas but throughout the country—as to what we are going to do about congestion. They said, less than a year ago, that 59 percent of the Nation's roadways today are experiencing significant traffic congestion compared to only 34 percent in 1982.

Fully two-thirds of the major roads in the 75 U.S. urban areas are congested during peak travel periods, com-

pared to only one-third in 1982. That is double. Both figures will increase without additional investment. The average number of hours per day with congestion that might be encountered on urban roads has risen from 4.5 hours in 1982 to about 7 hours in 2001.

The average annual delays per peak road traveled in 75 urban areas is 60 hours. That is significant because, when you have delays, you are also talking about pollution and about leaving cars running and trucks running, polluting the air, using up the fuel. We have an energy crisis in this country to start with.

Traffic congestion is now responsible for 5.7 billion gallons of wasted motor fuel. The total cost of traffic congestion to the U.S. economy and lost productivity and wasted motor fuel in 2001 was almost \$69.5 billion, or putting it down so we understand it, that is \$528 per person. I think sometimes we throw around figures of billions and trillions and it is difficult to understand, certainly, for people who are not spending this much time studying these things in Washington. That \$69 billion equals \$528 per person.

Shortly, I am going to talk about some of the other areas of the bill specifically, section by section. At this point, I will yield the floor because I understand the senior Senator from Texas has comments she would like to make.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I thank the chairman for allowing me to speak on this legislation because let me say that I hope in the end I will be able to support the bill.

At this point, I could not possibly do that because of the inequity to Texas. Let me say that I know the chairman is working with other Members to try to come up with solutions, and I hope I will be able to support the bill in the end.

Most of the goods that drive our economy ride on our Nation's highways in large part because over the past 50 years the Federal Aid Highway Program has assisted the States in producing one of the world's finest highway and mass transit networks.

The majority of that system was designed in the 1950s to meet the needs of a rapidly growing nation to connect to new population centers in the West. Today, there are other critical needs to be addressed different from those in the 1950s, particularly the amount of trade that is stemming from NAFTA and the increased burden on our infrastructure that NAFTA produces.

Although strong trade partnerships with our neighbors—Mexico and Canada—have provided substantial national benefits, the resultant traffic is devastating to our Nation's infrastructure.

Back in the 1950s, our smaller States and Western States needed the extra help at the expense of States such as Texas. But now, I think, every State

has more of an ability to contribute to its own infrastructure. The ability to contribute is much more equal today than it was in the fifties when there were huge inequities in the amount of national infrastructure.

The State that has borne the greatest burden in the entire life of the Federal Aid Highway Program has been my home State of Texas. We are the single largest donor State. Since 1956, Texas has contributed over \$5 billion more to the program than the State has received in funds to build its own highways. In fact, there has never been a year that Texas received more in highway funding than it sent to Washington.

Texas has the most highway miles of any State in our Nation. Therefore, the people of Texas, obviously, buy more gasoline and, therefore, contribute more to the tax. Over the past 12 years, Texas and other donor States have made good progress. In 1998, Texas received only a 76-cent return on every dollar sent to Washington, a loss of \$1.7 billion. Current law guarantees us 90.5 cents on the dollar, but this is still very inequitable.

Though we expected to equalize more this year, hoping to get up to 95 cents at least, that has not happened. I cannot possibly support the highway funding formula in this bill. I am concerned that in an effort to limit costs, the committee created a new class of superdonor States.

It appears that Texas, California, and Florida have been designated to shoulder the burden of the Nation's transportation network at the expense of their own. I have to object to this new superdonor category.

The bill before us distributes \$227 billion in highway funds using a formula that will hold six States—Texas, California, Arizona, Colorado, Florida, and Maryland—at a 90.5 cent rate of return for 5 years. So for every dollar our constituents send to Washington, they get 90.5 cents back. Only in the final year, the sixth year, does that increase to the level of 95 cents. If Texas were to receive 95 cents for all 6 years, the formula would provide Texas an additional \$700 million over this period.

These superdonor States have one aspect in common: They are the fastest growing States in America. Ironically, the formula in the bill offers the least relief to States whose needs are most pronounced, States whose cities and populations are developing most rapidly. Three of these six also are on the Southwest border, so we have the added burden of infrastructure needs from NAFTA in addition to being high growth states.

The committee thinks we should like this legislation because while the total spending grows 36 percent, Texas will see a 42 percent dollar increase compared to 6 years ago. However, our increase has little to do with the formula but is caused by Texas buying more gas and paying more taxes into the highway trust fund.



In 2002, Texas contributed 9.11 percent of the total dollars in the trust fund, up from 8.27 percent 4 years earlier. Buying more gas allows us to contribute more funds. We do grow in dollars returning to the state, but we don't grow as much as we are putting in. We keep the same rate of return, 90.5 cents on the dollar, until the sixth year.

Ever since the 1993 passage of NAFTA, it is these fast-growing superdonor States that are the major trade gateways to the United States. Eighty percent of NAFTA traffic travels through my home State of Texas. But while the entire Nation benefits from that resulting commerce, Texas bears the brunt of maintenance and upkeep on our highways, and those costs are not insignificant.

To its credit, the committee did, for the first time, create a border and a corridor fund that represents some of that added burden on the States on our northern border with Canada and our southern border with Mexico. I commend the chairman and thank him for adding those funds.

However, the \$1 billion for each of those funds which, by the time Texas gets its fair share, will still not bring us up anywhere close to the \$700 million we are losing by not being treated like other donor States.

In 2002, over 4 million trucks hauling 18 billion pounds of cargo entered from Mexico through 24 commercial border crossing facilities. Over 3 million of those trucks, or 68 percent, entered through Texas.

In addition to commercial traffic, 90 million personal vehicles from Mexico also traveled through the Southwest border States. So Texas now with a bigger infrastructure burden is getting less percentage of what it sends to Washington than almost all of the other States.

I am just hoping the chairman will work with us, not to create a new superdonor State category. I hope we don't break precedent and create this new sort of stepchild in donor States that will also be used for other formulas for other kinds of State aid.

I understand small States have the ability to have more votes in the Senate. I understand small States may believe they should have more of a piece of the pie than the larger States. However, representing a large State as I do, I just have to say I think we are all much more equal in capacity now than States have ever been before, and the concept that there should be donor and donee States should be going by the wayside.

I am not saying we would want to do something that cuts people off precipitously or hurts people immediately, but I think we ought to be in a phasedown of the entire donor-donee State strategy or attitude because I think every State should be able to decide, getting 100 percent of what it sends to Washington, what it wants the money spent for. If we are going to

have a Federal highway system, we all want it to be a good system, and perhaps there should be some donor capacity. But a 10-cent-on-the-dollar donation seems to me to be too high. I hope the chairman will work with us to create all donor States equal, to create everyone at least at a 95-percent rate of return. The House bill treats all of the donor States the same. Donee States do vary all across the board. But we have never made a new class of donor States, and I hope we will not do it in this bill.

I hope the chairman will work with those of us who believe there should be a much more equitable funding formula so that I can support the good provisions in this bill.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. As we talked about before, there are always problems in formulas. There are so many things to consider, as we outlined, such as fast-growing States, large States, small States. I would have to say to the senior Senator from Texas, we in Oklahoma are kind of in the same situation as Texas. We have always been a donor State. We are just delighted to look down the road and see that there is a light at the end of the tunnel and that we are getting to the point where we will all have a minimum of 95 percent. I can remember when that number was at 77 percent and then 80 percent and then 90.5 percent and now up to 95 percent.

This is one of the difficulties. The Senator from Texas is from one of the three largest States and it is a fast-growing State. In my opening remarks, I mentioned that to come up with a formula, as the Senator from Nevada said, it is a very difficult thing, because there are fast-growing States. There has to be a ceiling but there also has to be a floor. There has to be consideration for donee and donor.

I thought it was kind of interesting, during the remarks of the Senator from Texas, that the Senator from Nevada came over and said, I wish we were doing as well as Texas on percentages.

Later on we are going to have full-size charts.

Mrs. HUTCHISON. Madam President, could I offer to make that trade to the Senator from Nevada on a percentage basis? I will trade him right now.

Mr. INHOFE. Later on we are hoping we are going to have larger charts to be able to show one for every State, but this one which I will hold up—I hope everyone will be able to see it—if we take under TEA-21 the average in the State of Texas was \$2.1 billion. That is the average of each year for a 6-year period. Starting in 2004, they would go up to \$2.6 billion; 2005, \$2.8 billion; 2006, \$2.9 billion; and going on up at the end of 2009, it would be \$3.6 billion, almost \$3.7 billion, which is a huge increase, of course, over previous years.

I recognize there will be a lot of States that are not going to be happy with their formulas. It is those people who try to find a better formula, after we put all of our resources together and spent a year doing this, who have had a very difficult time coming up with something that is going to be any better.

Quite frankly, I spent some time in Texas. I held a field hearing in Texas. I talked to them and hopefully they are going to be very pleased with the massive increases, the percentage increase. For the State of Texas under this bill over TEA-21, the previous 6-year authorization bill, is 42 percent. Now the average increase is 35.6 percent. So Texas is way above the average increase and way above the average amount of the average States.

I recognize there are problems with any formula, but those are some facts we are dealing with and things we had to consider. It is always difficult when representing 50 States, as we were in the committee. I would like to have done a lot better for my State of Oklahoma. I know Senator SANTORUM talked to me about some of the problems in his State. When we look at the State of Texas and the State of Pennsylvania, where there is a donee State that is dissatisfied, the only way that can be improved would be to do something to lower the ceiling in the other States. So it is a difficult thing to deal with.

I certainly will yield to the Senator from Texas.

Mrs. HUTCHISON. Madam President, I do understand the difficulty of dealing with these formulas, and I am sure the chairman of the committee and the ranking member tried in every way to please as many people as they possibly could. It just seems wrong to create a new level of super donor State. Yes, we have increased to 42 percent instead of the average 36 percent, but that is because our people are putting more in the highway fund because we are buying more gasoline. Therefore, of course, our rate of increase would go up. We are still in the same position of sending a dollar to Washington and getting 90.5 cents back until year 6. It is just hard to see that a donee State has more infrastructure burden than a State like Texas which not only has the most highway miles but has 80 percent of the traffic from NAFTA.

I would love to take the chairman of the committee to I-35 where it is a parking lot from Austin to Dallas. It takes more time to drive from Austin to Dallas than it does to fly from Austin to Washington. It is just ridiculous. It is a parking lot, and that is because it comes from Mexico through Texas and we do not have the capability to expand at the rate the traffic is expanding on that NAFTA corridor.

As I said in my statement, the chairman did create a real border corridor fund that will be helpful, but it still does not nearly make up for the deficit we are sending in this new super donor

State capacity to Washington. It is \$700 million we could be spending on our own infrastructure trying to meet these needs if we could get 95 cents on the dollar back so every donor State would be equal.

I know it was hard. I absolutely appreciate that. Unfortunately, representing Texas for 10 years, I have been in a lot of the formula fights, and small States tend to win. I know the Senator from Oklahoma has been a donor State and knows how it feels, so he probably understands how I feel right now. I just hope in the end we can see that we will get to 95 cents either through the help of the border corridors or in the formula in some way to acknowledge we should not be a super donor State with all of the problems we have.

Mr. INHOFE. Reclaiming my time, there is a lot of truth to what the Senator says. One thing that needs to be clarified, and we have asked the staff to do it because it has not been done before, is to see—I mean, we are in the same situation. The State of Texas today is getting back 90.5 percent. We are getting back 90.5 percent. It is kind of an interesting study that is being conducted right now to determine how much of the money—when the Senator says Texans pay in so much and get back so much, a lot of the fuel that is being purchased, subject to excise tax, is not purchased by citizens of Texas, particularly talking about a corridor going through. I know when I am down there, I purchase a lot of fuel. That same I-35 goes through my State of Oklahoma. A lot of the NAFTA traffic is traffic that is not Texas traffic, but they are purchasing fuel there. It would be interesting to know whether or not the citizens of my State of Oklahoma or the citizens of State of Texas are actually getting back perhaps more than they are paying in in fuel revenues.

Mrs. HUTCHISON. That would certainly be an interesting study to have. I would also point out that part of the purpose of the gasoline tax is to maintain highways for use, and even if it is someone like the Senator or someone using the highway for NAFTA purposes, they are using the highway and it is the wear and tear that must be maintained.

Mr. INHOFE. I thank the Senator from Texas.

I do not see others waiting to be heard. As we all know, tonight, in about an hour and 25 minutes from now, we will be having a cloture vote. Is that correct, Madam President?

The PRESIDING OFFICER. Yes, that is correct.

Mr. INHOFE. Between now and then, we will have a chance to hear from a lot of people, and as they come in I would be glad to have them heard on this subject. In the meantime, I will make a statement that I would otherwise be making after the cloture vote. I am hoping the cloture vote will be successful and we can move right on to

this very significant vote. In the meantime, I am inclined to want to share a few things that are in this bill, which I would be glad to do at this time, and then yield to any Senator who comes in who may want to be heard.

I ask the Chair to go ahead and recognize the Senator from Massachusetts now, if he wishes to be recognized. Mine is going to be a rather long statement. We will go ahead and move to that when the Senator from Massachusetts is through.

CONGRATULATING THE NEW ENGLAND PATRIOTS

Mr. KENNEDY. I thank the Senator. Madam President, the matters before us are of enormous importance to this country, and certainly to my State. These issues dealing with road transportation and mass transit are basic, fundamental to our Nation's infrastructure and our economy. We are going to be focusing on this over the next several days. We are very much looking forward to it. There is an incredible need for attention to these important investments.

But I welcome the opportunity to take just a moment or two at this time to recognize the extraordinary success last evening, when the New England Patriots played the Carolina Panthers. Some 80 million Americans watched that extraordinary game.

I have a resolution which will give me a great deal of pleasure to offer in behalf of myself and my colleague and friend, Senator KERRY, who is not here physically but joins with his enthusiasm to urge favorable consideration of this resolution which is meant to congratulate the New England Patriots for their dramatic victory in yesterday's Super Bowl. It could not have been more exciting.

With 7 seconds remaining in the game, the score tied, Adam Vinatieri kicked a 41-yard field goal to clinch the Patriot's second Super Bowl success in the past 3 years. Mr. Vinatieri is making a trademark of kicking the winning field goals in Super Bowls. Two years ago, his 48-yard field goal won the game as time expired.

I also congratulate Tom Brady, the youngest quarterback in National Football League history to win two Super Bowls. He had another outstanding day with 350 yards passing and had 3 touchdown passes. Mr. Brady's performance gave him his second Super Bowl Most Valuable Player trophy in 3 years.

The Patriots had a remarkable season. They tied the Miami Dolphins' record in 1972, winning 15 straight games. Much of the credit goes to the man named Coach of the Year, Bill Belichick, and his two outstanding assistant coaches, Romeo Crennel, who produced the No. 1 defense in the National Football League, and Charlie Weiss, who produced the team's outstanding offense.

Among the Patriots' heroes of last night's game, and for the entire season as well, was the offensive line. They did an outstanding job of protecting quar-

terback Tom Brady. In fact, they allowed no sacks of the quarterback in the Super Bowl or in any of the other games in the post-season playoffs. Truly a remarkable record.

I want the Senate to adopt the pending resolution commending the Patriots on their dramatic victory in a game that will surely rank as one of the most exciting Super Bowls ever.

I notice in the chair the wonderful Senator from North Carolina, Mrs. DOLE. I commend, certainly, her enthusiasm for her team. She has reminded me of that enthusiasm and her very strong support. I commend the Carolina team for showing extraordinary sportsmanship and competitiveness and just a superb performance by that team.

If it is agreeable, I believe the resolution is at the desk. I believe it has been cleared.

The PRESIDING OFFICER. We do not have the resolution at the desk.

Mr. KENNEDY. Madam President, I will call for consideration of the resolution at a later time. We will do that, under prior agreement, at a time, as I understand it, that will be later in the afternoon.

Mr. INHOFE. Will the Senator yield?

Mr. KENNEDY. Mr. President, on another subject, I want to address the Senate for just a few moments on one of the important aspects of the President's budget. The President's budget should be looked at, not only for what it contains, but also for what is not included in the budget.

Mr. INHOFE. Will the Senator yield so I can make a parliamentary inquiry?

Mr. KENNEDY. Yes.

Mr. INHOFE. Madam President, I am very interested in hearing the remarks of the senior Senator from Massachusetts. However, we are right now debating the cloture motion. While I think it is perfectly appropriate to talk about the game last night, I hate to get into another subject when we only have an hour and 20 minutes to be talking about our cloture motion.

I, first of all, ask the Senator if this is something that could be postponed until after that motion.

Mr. KENNEDY. I know we just heard my good friend from Texas talk about the Border Patrol and the commission that has been established.

Mr. INHOFE. Which is on this bill.

Mr. KENNEDY. It is on this bill. I am conscious of that. I will not take a great deal of time, but I am not familiar with restrictions. I inquired of the Chair to be able to work out a suitable time to be able to speak. I don't intend to take much time.

The PRESIDING OFFICER. Debate has to be relevant to the pending measure.

Mr. KENNEDY. Well, I will make it to be.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the quorum call be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Under the rules, it is my wish, as the chairman of the committee, that we get to this very important bill. The Senator from Massachusetts has agreed, if he could be recognized, he would keep it down to 10 minutes. That would be acceptable to me, if it is acceptable?

Mr. KENNEDY. That will be fine. I ask to be notified when I have 30 seconds left.

#### THE BUDGET

Madam President, the President's budget that was submitted today, which is really the declaration by the administration with regards to defense and national security, but also is extraordinarily important in terms of health policy and education. There is probably not a more important document that is submitted by any President than the budget item indicating a nation's priorities. So that is why I wanted to be able to just take a few moments on one particular aspect of it, and that is the state of our economy and how this budget addresses the state of that economy or how it failed to do so.

I just wanted to share with the Senate the strong sense that we are in a jobless recovery. This economy may be fine for Wall Street, but it is bad for Main Street. I have certainly seen that in the last weeks or months that I have had a chance to get around this country. I saw it up in the State of New Hampshire, where every new job is paying 35 percent less than the jobs that had disappeared. I saw that down in New Mexico, where you still have 78,000 workers who are waiting for an increase in the minimum wage and the new jobs are paying 23 percent less.

It is the same in Arizona, in Michigan, in South Carolina, and across the country. South Carolina has lost tens of thousands of jobs. So I was interested about what is in this budget, or what would fail to be in this budget, with regard to American workers.

One of the principal concerns that I find from families while traveling across this country is the failure of the Senate to respond to the problems of those who are unemployed with the extension of the unemployment insurance. There are 90,000 workers a week who are losing their unemployment compensation. There is virtually nothing in this legislation that deals with that. The unemployment compensation fund has nearly \$20 billion.

The proposal that has been offered by Senator CANTWELL and others would provide for some 13 weeks of unemployment compensation. It has been rejected by the other side more than 12 different times.

Look at this chart. It shows the average number of out-of-work Americans who are running out of unemployment benefits and not finding jobs. The aver-

age monthly rate from 1973 to 2003 was 150,000. The estimate for January 2004 is 375,000. And there is not one word in here to recommend that we have a temporary extension of unemployment compensation.

These are all hard-working Americans. They are not eligible for the unemployment compensation fund unless they have paid into it. They have paid into it. And we are finding objection from the other side to providing some relief for these workers. I can't believe that.

Second, I ask unanimous consent to have printed in the RECORD a New York Times editorial from Friday that makes this very point I have just made. I will quote part of it.

The pernicious joblessness bedeviling the nation is spawning a new category of Americans dubbed "exhaustees"; the hundreds of thousands of hard-core unemployed who have run through State and Federal unemployment aid. According to the latest estimates, close to 2 million Americans, futilely hunting for work while scrambling for economic sustenance, will join the ranks of exhaustees in the next six months. They represent a record flood of unemployed individuals with expired benefits—the highest in 30 years—who are plainly desperate for help.

The emergency program cries out for immediate renewal.

I ask unanimous consent that full editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 30, 2004]

#### EXHAUSTING FEDERAL COMPASSION

The pernicious joblessness bedeviling the nation is spawning a new category of Americans dubbed "exhaustees": the hundreds of thousands of hard-core unemployed who have run through state and federal unemployment aid. According to the latest estimates, close to two million Americans, futilely hunting for work while scrambling for economic sustenance, will join the ranks of exhaustees in the next six months. They represent a record flood of unemployed individuals with expired benefits—the highest in 30 years—who are plainly desperate for help.

President Bush and the Republican-controlled Congress are doing nothing to help these people. Washington showed no qualms last month in allowing the expiration of the emergency federal program that had offered an extra 13 weeks of help to those who exhausted state benefits. Historically, such help has been continued in periods of continuing job shortages.

A year ago, the aid was extended an extra year by Republican leaders. But now, the G.O.P.'s election-year talk is of a recovery rooted in the tax cuts weighted for affluent America. Tending to the exhaustees clearly mars that message.

The emergency program cries out for immediate renewal. It costs \$1 billion a month, money that is available from the federal unemployment fund.

In January alone, 375,000 unemployed people are running out of state benefits with nothing to help them through to spring, according to estimates of new federal data by the Center on Budget and Policy Priorities, a capital watchdog group. Without action, the exhaustee toll will mount.

Many will slip into the limbo of the more than 1.5 million Americans who have given up looking for work in the inert employment

market. These amount to the flatliners, industrious people overlooked on the administration's screen of spiking recovery indexes.

Mr. KENNEDY. Madam President, I also want to mention one other item that is included by reference. That is the item of the President talking about his overtime provisions.

Again, he has indicated his support on the overtime provisions that will effectively eliminate overtime coverage for 8 million Americans—primarily firefighters, policemen, and nurses, who are the backbone for homeland security.

I have said here a number of times that I was not only strongly objecting to the administration's proposal but I particularly object to the inclusion in the administration's proposal that talked about training in the Armed Forces which can make a worker overtime ineligible. That, I thought, was the cruelest part of the proposal.

We have American service men and women who are in Iraq, in combat, or in the National Guard and Reserve. Many of them will be coming right back and will return to the civilian job market. Yet if they are going to have the training in the Armed Forces, they could be ineligible for overtime. I have said that before on the floor of the Senate.

My good friend Secretary Chao—and I see the former Secretary of Labor presiding over the Senate—wrote a letter to Speaker DENNIS HASTERT. She pointed out we shouldn't worry about the fact of the military.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF LABOR,

Washington, DC, January 27, 2004.

Hon. J. DENNIS HASTERT,  
Speaker of the House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I write to provide you with the facts to correct the record following last week's Senate floor debate on the Consolidated Appropriations Act with regard to the Department of Labor's proposed revision of the Fair Labor Standard Act's overtime exemption regulations. I also would like to thank you for your support and leadership on the important issue.

The recent allegations that military personnel and veterans will lose overtime pay, because of proposed clarifications of the Fair Labor Standards Act (FLSA) "white-collar" exemption regulations, are incorrect and harmful to the morale of veterans and of American servicemen and women. I want to assure you that military personnel and veterans are not affected by these proposed rules by virtue of their military duties or training.

First, the Part 541 "white collar exemptions" do not apply to the military. They cover only the civilian workforce.

Second, nothing in the current or proposed regulation makes any mention of veteran status. Despite claims that military training would make veterans ineligible for overtime pay, members of Congress should be clear that the Department of Labor's proposed rules will not strip any veteran of overtime eligibility.

This has been one of many criticisms intended to confuse and frighten workers

about our proposal to revise the badly outdated regulations under the FLSA "white collar" exemption regulations. It is disheartening that the debate over modernizing these regulations to meet the needs of the 21st Century workforce has largely ignored the broad consensus that this rule needs substantial revision to strengthen overtime protections.

The growing ambiguities caused by time and workplace advancements have made both employers' compliance with this rule and employees' understanding of their rights increasingly difficult. More and more, employees must resort to class action lawsuits to recover their overtime pay. These workers must wait several years to have their cases adjudicated in order to get the overtime they have already earned. In fact, litigation over these rules drains nearly \$2 billion a year from the economy, costing jobs and better pay.

I hope that this latest concern will be put to rest immediately. Once again, I assure you that military duties and training or veteran status have no bearing on overtime eligibility. We hope that future debate on this important provision is more constructive. If we can provide further assistance in setting the record straight, we would be pleased to do so. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ELAINE L. CHAO.

Mr. KENNEDY. Madam President, let me quote a couple of parts of it. This is the letter to the Speaker by Secretary Chao stating "that military personnel and veterans are not affected by these proposed rules by virtue of their military duties or training."

That is what she says.

However:

Proposed section 541.301(d) states that "training in the armed forces" can make a worker an overtime ineligible.

This is new language. It is not in the current regulations. The only purpose is to take away overtime for veterans. Either it is in there or it is not in there. It happens to be in the regulation.

She states:

First, Part 541 "white collar exemptions" do not apply to the military. They cover only the civilian workforce.

No one is claiming that the rule affects the military force. The issue is the veterans who leave the military to work in the civilian workforce would lose overtime protections because they have had training in the Armed Forces. Then it goes on:

Second, nothing in the current or proposed regulation makes any mention of veterans status.

No. But the proposed regulation, for the first time, addresses "training in the armed forces." Veterans who work in the civilian workforce who typically have received such training.

It isn't the people who are in the military. We agree with that. It is after they get out that they are going to be subject to this. If they don't want it in, they ought to have another rule that eliminates that.

I want to bring to the Senate's attention the understanding of the National Association of Manufacturers.

Bush overtime proposal denies overtime to veterans.

The overtime proposal explicitly states that training in the armed forces can disqualify workers from overtime protection. Many employer groups encourage the Bush administration to deny overtime protection to more categories of work, such as veterans.

Look at these comments from the National Association of Manufacturers.

NAM applauds the department for including this alternative means of establishing that an employee has the knowledge required for the exemption from overtime protection to apply. For example, many people who come out of the military have the significant knowledge based on work experience.

There it is. Veterans who go in and have that specialized training which is so necessary not only for their security but the security of their squad members or their company members, their platoon, or whatever it might be, they get that. When they come back as a member of the National Guard and return to the civilian workforce, bang, zippo, their employer comes up and says, This is what the rule is. This is what the regulation is, the letter from the Secretary notwithstanding.

We are going to make an effort to eliminate that whole overtime rule because we do not believe the men and women who are the heart and soul of homeland security, who are the firefighters, police, nurses, and others ought to be carved out from overtime protections. There are many problems with our economy today, but one of them is not that our firefighters and policemen and nurses are getting paid too much.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. I thank my friend. I will take time at another time to go through the various provisions of the budget dealing with education and health. I think it is important that the American people understand exactly what those provisions do and don't do for the American people.

I thank the floor manager.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I appreciate the Senator from Massachusetts using the time. He has a concern about the extension of unemployment benefits, and we are all concerned about that. A lot of that would be alleviated with the passage of the transportation bill. This is the largest jobs bill we will be considering this year, or perhaps in a 6-year period. It is very significant.

Madam President, one of the goals for reauthorization of TEA-21 has been to increase the rate of return to donor States. We have talked about that. We have had several bills in the past in which we wanted to achieve that. In this particular one, we achieved it to a smaller degree in TEA-21. But in this reauthorization, we want to further increase the return to donor States without negatively impacting the growth of donee States. That is where we get into

the problem with the State of Texas and the State of Pennsylvania. If we do one, we will negatively impact the other. Our goal has been to streamline the project delivery process to create greater flexibility for States to spend their highway safety dollars in the areas of greatest need.

Most Members agree that in Washington we do not have all the answers. The Presiding Officer would admit readily that people in North Carolina know about the needs in North Carolina greater than we do. That is one good thing about this program; we do leave a lot of it to the States. We do more than that in this reauthorization. I have talked to people in a number of States, including people in the State of Texas, who are very pleased with the idea that they are getting more flexibility. This bill recognizes they have a better idea of the needs of their State. I certainly know that to be true in the State of Oklahoma.

Finally, the goals were to focus attention on freight movement. This has not been considered. Freight movement is the responsible party for a lot of the congestion referred to by several speakers so far, causing trucks to idle, cars to idle, time wasted when pollution carries on where we are paying for additional gasoline but nothing is moving.

Although the proposed bill before the Senate addresses each of these areas, it has not covered all the reforms I would like to cover. However, it is a good start. We made a good start. It has been in the spirit of cooperation. Historically, when we reauthorize a highway bill, it is not partisan. As we worked together, Senator JEFFORDS, Senator REID, Senator BOND, and myself, in many hours of putting together our best ideas, there were things I would have preferred to have in here that are not here. This is a good start.

The Federal aid highway system is a key component to America's continued economic growth. The free flow and movement of goods, safety for travelers, advancement and use of technology, and security of our borders and freight corridors are essential to our economic stability. Our investment in this critical infrastructure is not only required for people in goods movement but almost the foremost link in creation of jobs and opportunities for all Americans and represents the largest investing in discretionary programs.

I remember seeing that familiar square-shaped sign "Men Working" and someone very creatively inserted "Not"—"Men Not Working." It is clear, each day we fail to enact a comprehensive 6-year reauthorization of the highway program, we continue to erode the ability of our economy to grow.

Many colleagues share my strong desire to get this bill passed and sent to the President by February 29. On February 29, the extension we have on TEA-21 expires. No State benefits by

prolonging the process through temporary extensions of the current program. It disrupts planning; it disrupts the ability to plan ahead on the availability of workers to get the very most out of it. It is very important we do that. The proposal before the Senate provides the framework for transportation investments needed to accomplish our shared goal of creating new and better economic opportunities.

The centerpiece of our bill is the new Equity Bonus Program which replaces the Minimum Guarantee Program. The Equity Bonus Program increases the minimum rate of return for donor States while ensuring fair treatment to donee States, about which we have been talking.

All donor States reach 95 percent return on highway trust funds by 2009. That is a huge increase. We remember when it used to be 77 percent and 80 percent. In addition to the fact that we are going to get everyone up to 95 percent return in this bill, all States take home more money than they did under TEA-21. Unlike the current Minimum Guarantee Program, which is in place right now, where the table in section 1104 governed what your State received each year in Federal highway dollars, under the Equity Bonus Program the formulas are the driving force, not the politics.

The 1104 section approach, or minimum guarantee, is an approach that was purely politically driven. A lot of people were outraged about it. But they sat down and said we will put some percentages here until we reach 60 votes and we can pass a bill. But that is not fair. Certainly, we correct that situation in this bill.

We allow the formulas to work. We recognized there would be some inequities if we allowed the formulas to be the sole factor in distributing dollars to the States. Therefore, we subjected States to growth ceilings in each year; that is, there is a ceiling. So we get the fast-growing States that will not have more than they would be entitled to at the expense of those that are currently donee States. This accomplishes the two goals and keeps the costs of the Equity Bonus Program affordable and ensures that donee States are still able to grow.

We also recognized that States with lower tax bases have an added challenge to adequate funding of their transportation system. We define these States as States with low population or low population densities and low income. We guaranteed these States at least their TEA-21 rate of return.

Finally, large donor States do not reach 95 percent until 2009. This is a concern for some of the Senators from Florida, California, and Texas. This is because the growth ceilings prevent them from growing too fast at the expense of large donee States. This means they bump into the ceiling. For instance, if we were to increase the growth ceiling in any year to move the large donor States to 95 percent sooner,

the increased costs would be at the expense of the large donee States such as New York and Pennsylvania.

Since releasing this plan on January 21, I have heard from both large donor State members who are concerned their States do not reach 95 percent until 2009 and donee State Senators who believe their States do not grow as much as they would like. Both sides raise valid concerns. But the cold reality is, in order to get the bill through the Senate—we are talking about S. 1072, on which there will be a cloture vote an hour from now—it has to take care of both donor and donee States.

So there have to be compromises. We have made compromises. As the Senator from Nevada said, there are a lot of things he believed he cannot get for his State that he believed he should have, and the same is true for my State of Oklahoma.

After working on this for over a year, JIM JEFFORDS, KIT BOND, HARRY REID, and I decided the most fair, reasonable, and logical way to balance donor and donee needs was by creating ceilings and floors. Both benefit but both have to give up some growth in order to help others grow.

In order to get this bill off the floor, we have to have 60 votes, which means a balance between the donor and donee States. This proposal achieves that.

Another new initiative is establishment of a new core funding category for safety. With highway fatalities approaching an unacceptable 43,000 a year, Congress has the responsibility to make the roads safer. That is why we call this SAFETEA. The purpose of the new highway safety improvement program is to increase the visibility and effectiveness in funding for safety projects in such a way as to produce a dramatic reduction of highway fatalities and injury.

SAFETEA also addresses the significant challenges involved in intermodal connectivity by creating a set-aside from the National Highway System Program for the completion of “last mile” connections. One of the frustrating aspects of freight congestion is the need to complete the last connection between port terminals and highways or the connection between freight rail and highways. This has never been addressed in the previous authorization bills. This proposal not only identifies a funding source for intermodal connectors but also creates room at the planning table for freight interests and concerns.

Additionally, this bill lowers the threshold level for assistance under the Transportation Infrastructure Finance and Innovation Act, TIFIA, from \$100 million to \$50 million, which I think all four Members thought was a dramatic improvement, to make some structural changes to the program designed to make this financial tool more usable to States.

Freight congestion is not the only mobility issue. Personal mobility is also a problem in both urban and rural

areas. Reports indicate that on a nationwide scale, road congestion costs the U.S. economy about \$67 billion annually, including 3.6 billion hours of delay and 5.7 billion gallons of gasoline that is wasted. Here we are with a fuel crisis, an energy crisis in this country, and we are wasting 5.7 billion gallons of fuel.

The committee bill also proposes to give States and localities increased “tools” to deal with this problem, by permitting and encouraging the use of innovative techniques such as “hot” lanes for single occupants who pay a toll to ride in high-occupancy lanes as well as variable toll pricing, which uses varying peak-hour pricing to control congestion during regular high-volume periods. We have tried to do this in the past. We are just being more innovative in carrying this further.

SAFETEA establishes the Intermodal Passenger Facilities Program, which provides grants for making necessary connections between various modes of transportation. Current surface transportation programs fail to address the importance of intercity bus services. In my State of Oklahoma, many people are using the intercity bus services to travel between our two largest cities, Tulsa and Oklahoma City, and our rural areas.

In many cases, this type of service is the only link rural communities have to larger urban areas where connections can then be made to both national and international destinations. Specifically, this provision would encourage the development of an integrated system of public transportation facilities through intercity bus facility grants.

I see that the ranking member of the Environment and Public Works Committee, Senator JEFFORDS, is in the Chamber. I am sure he has a few remarks to make. If I could finish with this before I get into the section-by-section analysis, would that be acceptable with the Senator.

Thank you. I will go ahead and do that at this time.

During the 107th Congress, we all experienced a cold dose of reality when the revenue aligned budget authority—that is, RABA—was negative for the first time. Hysteria hit. We were all concerned at that time. The principle that dollars into the trust fund should equal dollars out is fiscally sound and responsible and something I strongly support. However, to maintain consistency in the program, we need to even out the swings in revenue projections.

Last year, we learned that unless the mechanism to predict future revenues is more realistic, the potential consequences can be disastrous. Some will argue that we should not allow negative RABAs. I disagree. As I stated earlier, I strongly support the principle of “dollars in equals dollars out.” If we continue to rely on the system of revenue projections, we must accept the negatives along with the positives. While the pay-as-you-go system of

funding highways may be cumbersome, it is also an important fiscal principle we should retain.

At the same time, we can and need to make improvements to RABA to make it more reliable in the future. This bill does that by modifying the RABA calculation so that annual funding level adjustments are less dependent on future anticipated receipts and more dependent on the levels of actual receipts to the highway trust fund.

We strengthen stewardship of highway trust fund dollars by requiring project management plans and annual financial plans to be submitted for all Federal aid projects above \$1 billion or more and requiring annual financial plans for all projects receiving \$100 million or more in Federal aid funding. Both of these items were raised in last year's hearings on reauthorization as areas needing additional oversight. I might add that even the States came in and were supportive of this idea.

As our system ages and becomes functionally obsolete, extensive reconstruction will need to occur. Typically, these projects are very large in scope and I believe require careful oversight to ensure proper management of funds and fewer opportunities for surprises in the construction process. These changes are designed to give us the information needed to accomplish critical oversight.

Colleagues, the bill in front of you represents the culmination of Senate efforts for reauthorizing critical transportation infrastructure needs across America. This bill aims at funding all States equitably and generously, increasing the safety of drivers and pedestrians on our roads, streamlining environmental review processes while protecting critical natural resources, improving program effectiveness and efficiency, and preparing for the transportation needs of the future.

I ask my colleagues to consider the significant level of effort put into the preparation of this bill by the several committees involved, the administration's recommendations, and stakeholder input. I believe this bill does that.

I would like to make one comment. We do have a vote coming up in 50 minutes from now, and we have several people who want to be heard. I would only say we have been talking a lot about formulas. As most of us know—but sometimes it does not come out forcefully—there are other funds that are going to be available. About 7 percent of the amount that would be in formulas would be found in projects. Anyone who wants this bill should consider voting for cloture so we can get on the bill. We would expect them to certainly support this motion if they have an interest in projects for their States.

At this time I will just repeat one thing I said earlier when the Senator, Mr. JEFFORDS, was not in the Chamber. We have been talking about how Senator JEFFORDS, Senator BOND, and, of

course, Senator REID and I have been working very closely, together with our staffs, to get to the point where we are now. So I publicly thank the Senator from Vermont for all the hard work he has put into this bill and for the cooperative method of how we have come to some compromises. Perhaps neither one of us is really excited about it, but we know that is the art of compromise.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I thank the Senator for his very kind words. I certainly reciprocate and acknowledge the amount of cooperation we have had, especially that our staffs have had working together, which has greatly stimulated all of us to recognize we have a good bill and we are going to get it done.

I would also like to announce to the Senator that I just left the Finance Committee, and we voted out—as was expected—favorably the money to get it done. So we are ready now to proceed to it tonight, and hopefully we will.

Chairman INHOFE and I are urging a “yes” vote, of course, to move the transportation bill to the Senate floor where it can be fully debated and amended. This bill will strengthen our Nation's transportation system, create hundreds of thousands of jobs, and improve the safety of our transportation system.

Our Nation's roads and bridges and transit systems need immediate attention. Passage of the bill will provide essential Federal funding to the States so they have the resources needed to maintain and improve our transportation infrastructure. We cannot afford to wait any longer to make much-needed investments in our transportation infrastructure.

Fortunately, unlike many other bills, our transportation bill will be fully offset and paid for. The Finance Committee did a tremendous job working this out. As I said just a moment ago, they passed it.

Let us not forget that each time you go to the gas pump, you are paying for this bill. Our transportation bill better spends the gas taxes you are currently paying. We do not increase the Federal gas tax; we better spend that tax to help States, counties, and cities address their transportation needs.

A 6-year bill will allow us to better spend the gas taxes and fund State efforts to reduce congestion, improve transit programs, repair dangerous bridges, and improve freight mobility. A 6-year bill will create over 2 million new, high-paying jobs. That is 2 million high-paying jobs.

Chairman INHOFE is absolutely correct; since the bill is deficit neutral, putting off our bill until next year will only make matters worse. So let's do it now.

An extension simply means that urgent highway and bridge repair costs will be more heavily borne by States and local governments than by the

Federal Government. A simple extension means commuters will spend more time stuck in traffic. A simple extension means visits to the grocery store or the doctor's office or the drugstore or the restaurant will take longer.

Thirty-two percent of our major roads are in poor or mediocre condition. Almost 30 percent of our bridges are in bad shape. We have to address these problems, and our transportation bill will help get that job done.

We are asking for a “yes” vote to move this bill to the Senate floor for a full debate on its merits, and we hope to do it soon. It will be open for amendment, and the chairman and I will work with all Senators in this effort. Do not forget, the EPW bill increases the amount of funding for each and every State. And every State gets more than they did last time. I think that is correct.

Chairman INHOFE has been a very forceful leader in this massive undertaking to reauthorize our Nation's transportation laws. He has thoughtfully devised an innovative plan that balances the interests of the great majority of donor and donee States.

That is a tough one. Chairman INHOFE is to be commended for his creativity and energy in crafting major aspects of the bill, which the EPW Committee is putting before the Senate.

As head of the Subcommittee on Transportation, Senator BOND has worked closely with Senator INHOFE and led the charge to obtain a strong level of funding for this effort.

Senator HARRY REID, the ranking member of the subcommittee, and I have worked together with Senators INHOFE and BOND throughout the Committee process and stuck together at the Committee markup to protect and enhance the passage of the bill.

History should also record that many fine staff worked long hours and proposed some excellent approaches for our consideration. They have done a tremendous job.

Before I conclude I would like to mention my old friend John Chafee. Six years ago, Senator Chafee was the Chairman of the EPW Committee. He moved this massive bill with the grace and the tenacity that was his trademark.

John Chafee was a giant in this body, and he is missed very much today by all those who had the wonderful opportunity to work with him and shared his expertise.

I can only hope that we all draw on the lessons of bipartisanship, of cooperation and of consensus that John taught us.

To sum up, we are asking for a yes vote to get this bill to the Senate floor for a full debate on its merits.

Our Nation needs this bill and needs it now.

I thank the Chair.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I would like to take a few moments to raise some questions about



the wisdom of invoking cloture on this bill at this time. I am concerned that this is a deficient bill in a very fundamental sense.

One, it is deficient because one of the key parts of this bill, public transit, has not yet been voted out of the committee of jurisdiction. So we are dealing with a bird which is missing its right wing and a significant number of tail feathers. I believe we ought to wait until we can see the full program before we vote cloture on proceeding on this bill.

Second, the Finance Committee has just voted on the legislation relative to how to finance this bill. I will have to say, I am very concerned about the approach we are taking. Essentially the approach is, by whatever words you wish to use to describe it, to take money from the general revenue fund and use it to replace funds which historically have come from the users of the transportation system.

At a time when we just received a budget from the President that is over \$500 billion in deficit—I repeat, \$500 billion in deficit for this next year—to be further adding to the deficit by stripping out funds which would otherwise have gone to general revenue seems to me to be more than reckless.

Even if you accepted the proposition that it was all right to use general revenue to finance highway and transit purposes, the key portions of these funds come from what I would call, charitably, “funny money sources.” As an example, we use the closure of certain tax loopholes, which even have names such as the Enron tax loophole. That is probably a very good thing to do. The problem is, we have already done it twice before. We used the same set of tax closures of loopholes to finance the jobs bill. That is the bill that relates to international taxation and has been precipitated by the fact that the European Union declared—supported by the World Trade Organization—a portion of our taxation of international transactions to be illegal. And if we don’t provide an acceptable alternative, we face the prospect of very significant retaliatory tariffs against our products. So there is going to be a lot of impetus to get that bill passed.

The second bill which uses these same items is the CARE bill which is the charitable giving legislation that I know has a significant amount of support. Since we can’t use the tax loophole closures more than once, are we making the decision that we are going to do it for the highway bill and, therefore, have it unavailable for the jobs bill and the CARE bill?

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM of Florida. I yield, yes.

Mr. MCCAIN. Has the Senator seen the size of this bill?

Mr. GRAHAM of Florida. Yes, I have observed it. And I might say, it will be somewhat larger when the public transit section and the financing section are added.

Mr. MCCAIN. Has the Senator seen the first bill that we passed in 1956? This is the bill that was passed in 1956. This is the bill in 2004. How far we have come.

How far and disgraceful a path we have tread with this porkbarrel-laden piece of overspending at a time when we have all-time deficits.

I urge my colleagues—in fact, I urge the managers of the bill—to look at what they did in 1956 to fund the highways in the United States and what they are trying to do now which is wasteful and disgraceful. I wonder if my colleague would have a look at that.

Mr. GRAHAM of Florida. I look forward to doing so.

Let me make my last point with which you might not agree. I think we need to establish what are we trying to do with this legislation. We are not just passing a piece of legislation in order to shove money out the door. When we passed TEA-21 5 years ago, I made on this floor a prediction which saddened me but has come to pass; that is, that as a result of TEA-21, our highways, our bridges, and our public transit systems are in worse shape with greater congestion than they were the day we passed TEA-21.

Why is that? It is because we have either inadequately funded those basic parts of our American infrastructure or, if we did adequately fund them, the resources were not distributed to where the needs were the greatest.

Let me cite a few examples. According to the U.S. Department of Transportation’s conditions and performance report, which is prepared every other year to measure the needs of the Nation’s highways and transit system, let me quote from that report:

Capital investments by all levels of government between 1997 and 2000 remain below the “cost to maintain” level. Consequently, overall performance of the system has declined.

That same report estimates that over the 6 years of TEA-21, the quality of the highway system has degraded by 6 percent and that 29 percent of America’s bridges are considered structurally deficient.

On the issue of congestion, there is a study which was done by the Texas Transportation Institute, I believe, at Texas A&M University. This was what they had to say about congestion:

In 2001, 5.7 billion gallons of fuel were wasted as a result of congestion; 3.5 billion hours of lost productivity resulting from traffic congestion.

Those hours and gallons lost cost the Nation \$69.5 billion, a \$4.5 billion increase from the year 2000. The estimate is that if we appropriate the funds that are currently being suggested, that loss in gallons of gasoline and productivity will rise to \$90 billion by the year 2009.

Mr. President, we have lots of deficits in this country. We are talking today about the deficits in our budget. We talk regularly about the deficits in our trade balance. But we have another

deficit, and that is the deficit in our basic infrastructure. While it is not as graphic and we do not get a report on it as frequently as we do on the trade deficit or the fiscal deficit, it is just as pernicious and maybe even more so.

If you ask yourself the question, how is the United States of America going to compete in a global economy which worships at the altar of lowest unit cost of production and be able to maintain American living standards, that will be a major challenge for the next generation of the American public and their political representatives.

Mr. REID. Will the Senator yield for a question?

Mr. GRAHAM of Florida. I will conclude first and then I will take a question. I believe two of the fundamental parts of being able to answer that question are that the United States needs to have the best educated population on earth so that we can continue to generate the innovative ideas and the efficiency in production that has hallmarked our economy.

Second, the key responsibility of the public sector is to maintain an infrastructure that will be as efficient as possible. Those are two of the keys to American productivity which will allow us to compete in the global economy and maintain an average income and standard of living that is dramatic and above the rest of the world. In my judgment, this legislation will not achieve that objective, while at the same time adding to our national deficit.

For those reasons, I believe we should take more time with this legislation, see what comes out of the Banking Committee for public transit, be able to understand the implications of the financing program that was just reported by the Finance Committee, and what is going to be required in order to avoid another 6 years of degradation of our basic public surface transportation system.

Mr. REID. Will the Senator yield for a question?

Mr. GRAHAM of Florida. Yes.

Mr. REID. It is my understanding that the Senator from Florida is concerned about, for example, the bridges. Of all the bridges we have in America, about a third of them are in disrepair. The Senator is aware that some of these bridges are in such bad condition that school buses won’t drive over them. They stop the bus and have the kids walk across and the bus comes across and they load it up again. The Senator, from the statements I have heard him make before the committee on which we serve together, statements I have heard him making over the years, and in his experience as the Governor of Florida, indicates to me that he thinks we should do something about these bridges, as an example.

The Senator may be aware that prior to 9/11, I introduced legislation called the American Marshall Plan. The resolution has been passed by the National Council of Mayors and other organizations in the States saying we need to

do something with our infrastructure separate and apart from the regular highway bill we do every 5 or 6 years.

Is the Senator in a position to say in addition to the work being done on this highway bill, we need to look at other parts of the infrastructure, including water, sewer, and bridges? Does the Senator acknowledge that?

Mr. GRAHAM of Florida. Absolutely. I am privileged to serve on the Environment and Public Works Committee with our distinguished colleague from Nevada, and we both know the state of our water and sewer systems are even worse than our transportation system, in terms of their degradation and inadequacy, and with every year that passes, that degree of decline further accelerates. So we have many needs in America to reverse the decline of our infrastructure so that we cannot only have a quality of life today—water systems that will serve our people's needs, highways that are not excessively congested and are safe to drive on but also are absolutely fundamental to our economic well-being.

Mr. REID. I also ask this question to my friend. The Senator is aware that my legislation—after 9/11, other things got in the way and nothing happened with that. Is the Senator aware that the Banking Committee, which does mass transit—they have agreed on a mass transit bill. Is the Senator also aware that the Finance Committee has agreed—in fact, they have probably done that by now because they were meeting this afternoon—to make sure that bill is funded properly, as is our highway bill? Is the Senator aware that that has taken place?

Mr. GRAHAM of Florida. As a member of the Finance Committee, I can say that the Finance Committee has just voted out a financing program to support this legislation. We were not informed as to what the Banking Committee's number would be for public transit. It was estimated that it would be \$36.6 billion over 6 years. I don't know if that is the final number that the committee recommended.

Mr. REID. Let me ask a final question. The Senator is aware that the State of Florida, for example, in this highway bill, will wind up getting \$3,138,589,000, which is a growth rate of some 40 percent, and that the fiscal year 2003 number the people of Florida got for a return on the dollar they put in was the minimum, 90.5 cents. At the end of this bill, Florida will go to 95 percent; that is, they will get 95 cents back for every dollar. I think the Senator would acknowledge that is an improvement over the last bill for the State of Florida.

Mr. GRAHAM of Florida. I don't deny that this legislation is better than it has been. I make two points: One, it is not enough to keep pace with the annual demands on the system, both for maintenance and to avoid increasing congestion. Every survey I have seen, including those I just cited, give statistical validation to that.

The second concern is that we are going to be adding to one of the other deficits in this country, which is our fiscal deficit, by diverting money which otherwise would have gone into general revenue in order to pay the cost of both the highway and the public transit system.

Finally, the specific elements of that transfer from general revenue to the transportation fund are extremely questionable. I mentioned one set of so-called tax loophole closers that we have already spent before. How much confidence can we have that this bill is going to get to the finish line before the jobs bill or the charitable giving bill, so that this essential part of the financing package is still available? I think it is a high risk. I say that to someone who knows something about high risk. I think it is an unstable platform on which to place our Nation's transportation funding.

Mr. REID. What I hear the Senator saying is that the Senator has no question with the amount of money being spent in this bill, the Senator has some question how it is being financed?

Mr. GRAHAM of Florida. No. Even if we provide adequate financing to assure that this level will be allocated, I think we are doing as we did 6 years ago with TEA-21, assuring that whoever is here in 2009 is going to be facing a transportation system that has been further degraded.

Mr. REID. Mr. President, I do say this to my friend, and I ask that he respond: We have programs that are funded in this bill that were the property of Senator Pat Moynihan, principally, that I think are certainly far from being perfect, but they are the best programs we have had during the lifetime of this legislation.

I say to my friend, with the fact that we have 2 weeks to complete this legislation—we bring it up now or the majority leader said we wouldn't be able to do it—I would think doing this highway bill is so much more important than not doing it, that it is easier to weigh that on the scale of legislative necessity.

Mr. GRAHAM of Florida. I think that self-imposed standard that we have to do this in the next 2 weeks is unacceptable. This has to be done, yes, but it ought to be done when we have had an opportunity to view all the pieces and understand the implications of all the pieces. By trying to do this between now and what happens to be President's Day is arbitrary and does not serve the interests of our public and does not serve our ability to represent our constituents.

Mr. DODD. Mr. President, may I inquire, those of us who would love to be heard on this—

Mr. REID. Will the Senator yield? Mr. President, we have a vote scheduled at a quarter to 6. There are Senators who want to speak before the vote. I apologize to everyone for having taken the time with Senator GRAHAM. We have 25 minutes remaining. I won-

der if Senator DODD can indicate how much time he wants.

Mr. DODD. Ten minutes.

Mr. INHOFE. Will the Senator yield?

Mr. REID. Yes.

Mr. INHOFE. I suggest, we have 24 minutes and we have three people to be heard, including the Senator from Connecticut. That is 8 minutes apiece. Does the Senator object to speaking for 8 minutes?

Mr. DODD. No.

Mr. REID. Mr. President, I ask unanimous consent that Senators DODD, BOND, and THOMAS be recognized for 8 minutes in that order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

Mr. DODD. Mr. President, I commend all of my colleagues who worked on this legislation. This is a difficult bill. I have been around this institution long enough to know that when you have highway bills and formulas, it is always complicated. We are seeking perfection, and we are never going to achieve it. I admire those who serve on these committees and have to work on these issues to try to put these bills together. I begin on that note.

I also thank my colleague from Florida who knows a lot about transportation issues and has worked on these issues a long time. I associate myself with his remarks.

I am concerned about this bill. I have talked with my colleagues about it. I wish to say publicly that I am grateful to the distinguished Senator from Vermont, the Senator from Nevada, and others who spent some time talking with me about this bill and what happens to my State.

Obviously, we all begin by looking at what happens to our States in a bill such as this. Connecticut receives, under the present version of this legislation, the smallest increase of all of the 50 States, a 10-percent increase. I am deeply worried that we are no longer discussing a bill that was once rooted primarily in the notion of need and are now moving into a different consideration for how these dollars will be spent.

My State is a donor State. It contributes more each year in tax revenues to the United States than we receive back in funding.

As a small State, we do not contribute more than we get back in terms of gasoline tax revenues. My State is 100 miles long. The average vehicle can cross my State with about 3 gallons of gasoline.

Yet I think everyone is aware geographically where my State is located. It is a thoroughfare. Millions of vehicles literally every year pass on the Northeast corridor through my State.

So with the wear and tear on our highways, the tremendous congestion, the huge volume of transportation that occurs, it is unfair to make allocations solely based on gas tax revenues.

I particularly note, as I look at the managers' amendment, that there is a

provision that provides for a floor of a 35-percent increase for States with a total population density of less than 20 persons per square mile, a total population of less than 1 million people, as reported in the decennial census conducted by the Federal Government 2000, or a median household income of \$35,000.

There are seven States that fall into that category. Where is the need? Those States receive a 35-percent increase in funding, regardless of whether there is any traffic, or whether there has been any deterioration in road conditions at all. Here we are taking seven States which have fewer than 20 people per square mile, a population of less than 1 million people, or a median income of less than \$35,000, and yet they get a 35-percent increase. But a State such as mine that has cars and trucks passing through all night long and all day long believes that these highways are critically important to our economy and well-being. I am troubled by how this formulation is being considered.

It is worthy of note that when we first wrote the highway bill, to which Senator MCCAIN referred, back in the 1950s, it was called the National Defense Interstate Highway System. Few people today would deny the indispensable role that the Nation's highways, as well as mass transit systems, play in homeland security.

I can say to my colleagues, I am sure they are aware of this, that on September 11, 2001, one of the reasons my State was able to contribute as much as it did to the devastation in New York is because of that National Defense Highway System that Dwight Eisenhower authored back in the 1950s. It allowed for our first responders to get into New York City, as well as for people to flee that city, which is exactly what Dwight Eisenhower had in mind when we created the National Defense Highway System.

Today, as we talk about the needs of my State and others—by the way, there are a variety of States throughout the Northeast and Midwest that I don't think do as well as they should be doing under these formulations. I know this is a work in progress, and I know we are not done yet. I say that with the full knowledge of those who helped us work on it.

I felt it necessary this evening, as we prepare to vote on cloture, knowing these formulas can get locked in and once they are locked in, it is awfully difficult to change them. Trying to add discretionary funding here and there may be satisfactory to some, but we are looking at a 6-year bill where economic development and congestion is so incredible.

Tonight, one could go on Route 95 in my State and see that it is a parking lot. It isn't just between peak hours; it is getting that way all day long every day because of the tremendous congestion.

As the Senator from Florida pointed out, we need to know what the mass

transit piece of this legislation is going to be. I am pleased things seem to be moving in the right direction, but it is going to be awfully difficult to try to explain to people why certain States are just so limited in their ability to get the resources necessary to see to it that they can replace the older infrastructure to accommodate the tremendous demand that is building up in our region of the country.

I hope we will take a look at some of these formulations. I say with all due respect to the seven States that are going to automatically get 35 percent, show me your need. If you have a need, I will listen, but if you are merely going to get a 35-percent increase because you have less than 20 people per square mile, population of less than 1 million, or median income of less than \$35,000, how do you justify getting a 35-percent increase when the need doesn't exist? When there are other parts of the country that have tremendous need, how can you justify that we are only getting a fraction of that increase over the next 6 years?

That is not how this ought to work. If we are going to start making decisions in this country on these kinds of formulations, then those of us who come from donor States, who contribute far more than we get back, are going to have to start making that kind of calculation on every issue that comes along.

It strikes me that in too many cases the States getting the most out of this bill as presently crafted are the ones that contribute the least when it comes to Federal dollars, and those that contribute the most get back the least. We need to consider that as we move forward.

Again, I appreciate immensely the work my colleagues have done in writing this legislation. It is not easy, I know that. I am grateful to them for giving me an ear when I talk about these issues and share my concerns that come from not only my State but a region of a country that runs as a belt across the Midwest and Northeast.

I know my colleagues are cognizant of that. I am not telling them something of which they are unaware.

Certainly, as we talk about a highway bill for the next 6 years, as well as transit when it comes along, we need to have formulations that are, as they historically have been, based on need, and not on a formulation that is going to disregard it.

Whatever time I may have remaining, I yield it to my colleague from Missouri who, if I have another minute or so, I will give him those minutes to use as he sees fit.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Connecticut for his understanding. He and I have worked together on many issues, and it is not easy. Certainly, this one is not easy. There is no question that we are not

seeking perfection. We understand the problems that all States face. Over the 6 years, this bill actually winds up giving, as best I can figure, the State of Connecticut 20 cents more on every dollar they put in than the money we get back in the State of Missouri. So we have given at the office, and we are attempting to achieve equity.

Nobody is going to be 100 percent happy, but this is one where there has been tremendous cooperation, over better than a year, among Chairman INHOFE, Ranking Member JEFFORDS, my colleague, the subcommittee chairman, and Senator REID, trying to listen and develop a framework that is fair and that deals with the pressing needs that this Nation faces.

I commend the chairman of the Senate Environment and Public Works Committee, JIM INHOFE, along with Senators REID and JEFFORDS, for a job well done.

The Finance Committee has been working hard. I gather they have done a good job to come up to the level that was originally contained in the Bond-Reid amendment in the Budget Act. We thought this was the minimum we needed because there are such pressing needs for highways. Obviously, everybody knows good highways lessen congestion. Everybody knows that they are the guidelines to economic development. If we do not have good highways, we cannot keep and grow good jobs. So it is vitally important for the long-term future of the State.

In my State, it is really a safety issue. We are a very wide, broad, and tall State with lots of traffic through it. In many of these areas, the two-lane highways are carrying traffic that is designed for at least four lanes nowadays. Safety in this authorization is for the first time given a prominent position, being elevated to a core program.

We have more than three deaths a day on Missouri's highways, and at least one and maybe more than those are attributable to the conditions of our highways. I know this happens in other States. That is why I am delighted that the administration, in laying out the title SAFETEA, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, has emphasized safety because good roads and highways are a matter of safety.

I think this bill does mirror the administration's proposal continuing our commitment to the motoring public's safety. This is accomplished by providing much needed funding to reduce highway injuries and fatalities, all without the use of mandates. Funding for good highways and bridges is absolutely essential and a key component of our bill will go a long way toward saving lives by providing funds to States to address safety needs at hazardous locations, sections, and elements. These include roadside obstacles and unmarked or poorly marked roads that may constitute a danger to motorists, bicyclists, pedestrians, and other highway users.

We know in Missouri that inadequate roads not only lead to congestion, therefore more pollution, they delay, deny, and derail economic development opportunities, but they also kill people. When you have traffic—10,000, 15,000, 20,000 cars a day—on a narrow, two-lane road, you are going to have people passing when they should not and they run into other people head on.

We heard testimony from the administration that nearly 42,000 people are killed on our roads and highways each year. We need to make an investment to reduce that loss. I am glad that the bill reflects the continued commitment to making not only investments in our infrastructure but also to the general safety and welfare of our constituents.

On the question of equity, our bill is the best we can come up with in the real world to achieve equity among all of the States. Some of us have been donor States for a very long time, getting back far less than the dollar we put in. There are other States that have consistently received more. As a result, this bill tries to achieve some equity by getting all States to a 95-percent rate of return, at least by the end of the authorization.

There are 24 States; Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington. At the same time, we wanted to make sure that every State got an increase. So every State gets at least a 10-percent increase over the amount of funds that they were getting in TEA-21, and we put a lid on so that some States would not take an undue share. I think the top rate is about a 42-percent increase. So in that framework, we have come up with what we think is equity.

My home State of Missouri, as many of the donor States mentioned, has some of the worst roads in the Nation. It has about the third worst roads in the Nation, with 59 percent of its major roads in either poor or mediocre condition, requiring immediate repair or reconstruction. We also have the second worst bridges in the Nation.

I take my hat off to the chairman of the committee because I understand his State may be the one State that ranks in worse shape than Missouri does on both of these. As my colleagues will notice, Missouri is very much in the middle ranks of those getting an increase.

During the reauthorization of TEA-21, donor States did not think it was feasible to achieve the 95 percent rate of return. Under our proposal, we are able to get them there. However, I am aware that some of the donor States are concerned they hit our growth caps and do not achieve a 95 percent return in 2004.

We were unable to bring donor States up as early as we might have wished due to our budgetary constraints, and

balancing the needs of the donor States with the needs of the donee States. But as donor States grow, the donee States see a gradual decline. To bring greater equity between the States, I am proud to announce that all States will grow not less than 10 percent over TEA-21.

This bill also addresses important environmental issues that were part of a compromise, worked out with great input from all sides. To ease the transition to new air quality standards, the conformity process is better aligned with air quality planning, as well as streamlining the project delivery process by providing the necessary tools to reduce or eliminate unnecessary delays during the environmental review stage. We think that is very important.

We know there are lots of different ideas on this bill. We tried to accommodate all of those ideas. We had ideas and requests coming in over the transom, through the window. We met people on the floor. Our staffs worked together to try to balance all of these needs. Clearly, there are going to be a number of amendments. I hope our colleagues will work with us because there is a real desire, on the part of the chair and the ranking member of both the full committee and the subcommittee, to give a hearing to these. If there are important issues that need to be dealt with, we want to get the votes and move forward so we can, we hope, get the bill signed before the current authorization expires at the end of February.

Regarding a sufficient level of growth, the administration proposed, in my view, an insufficient level of growth for our Nation's aging infrastructure. The reason for offering the Bond-Reid amendment was because the administration's SAFETEA proposal came in at a mere \$200 billion for highways.

During last year's budget debate, I, along with Senator REID, offered an amendment to fund highways at \$255 billion over 6 years, which was supported by a vote of 79 to 21. I am pleased to report that the bill we have before us follows the Bond-Reid amendment providing a 31-percent increase in funding over TEA-21. While this is not as high as some might have wanted, we are able to achieve this goal without raising fuel taxes.

In this bill, I think all of us are concerned about jobs as well as the benefits that good highways and bridges bring if we are to get people to work this summer, which I think is very important because we still do not have enough people working. We need to get the authorization so it can get out to the highway departments so they can make their contracts for the coming year.

I do not need to tell my colleagues, because I think everybody has heard it too many times, that the Department of Transportation estimates that for every billion dollars in new Federal investment, there are 47,000 jobs created. We want to see those jobs created this

year. Accordingly, in 2009 our comprehensive 6-year bill at \$255 billion will sustain over 2 million new jobs.

According to the Associated General Contractors, the same \$1 billion investment yields \$500 million in new orders from manufacturing and \$500 million spread through other sectors of the economy. Construction pay averages at \$19 per hour, 23 percent higher than the private sector average. Failure to enact a 6-year bill yields the loss of 90,000 jobs.

Another accomplishment of our package will ensure transportation projects are built more quickly because environmental stakeholders will be brought to the table sooner. Environmental issues will be raised earlier and the public will have better opportunities to shape projects. Projects more sensitive to environmental concerns will move through a more structured environmental review process more efficiently and with fewer delays.

The bill also ensures that transportation projects will not make air worse in areas with poor air quality, while giving local transportation planners more tools and elbow room to meet their Federal air-quality responsibilities. The bill will put transportation planning on a regular 4-year cycle, require air quality checks for projects large enough to be regionally significant and reduce current barriers local officials face in adopting projects that improve air quality.

This comprehensive package is a good step forward to addressing our Nation's needs in infrastructure development and improvement.

I thank my colleagues from the Finance Committee, and others. I urge everybody to work with us. The managers of the bill will be doing their best to expedite it. I appreciate the time. I urge my colleagues to support the motion for cloture and to move to the bill.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I think this is one of the most important issues we have had before us. As we look to a year with relatively short time to work on issues, with a large number of issues out there, I think it is important for us to deal with this and to deal with it promptly. I am delighted that we are going to have it up to date and be able to work on it over the next week or so.

I have not heard all of the discussions. I am sure I understand what most of them have been because I have been on the Finance Committee. We have finally come to an agreement as to what the funding level will be and what the sources of funding will be. It follows very closely what we came out with in the Environment and Public Works Committee, of which I am also a member. So I am very pleased with what we are doing.

Does it suit everybody? Of course not. There are all kinds of discussions

about funding source. The funding source is not entirely the gas tax. But the way we work it out, all that additional funding does come from something related to transportation, so I think it is a justifiable way to put this in a spending arena that will help accomplish the things we need to do. I cannot think of anything more important.

We have been in a CR since September. I don't know what you heard from your transportation departments at home, but they feel as if they can't move forward, can't do contracting, can't plan on what they need to be doing in the future until they get more assurance of where we are. So it is imperative that we do something here.

I can't think of anything more important to our lives, unless it is energy, than transportation. To be able to go with our families, do our work, protect our country—all these things are related, of course, to travel and the highway bill.

The interstate system is 50 years old. The Senator from Arizona was talking about the little bill that passed 50 years ago. Times have changed substantially and I believe there is a more comprehensive approach to travel that combines the spending of all levels of Government, which amounts to over \$100 billion annually, when you talk about all of them put together. So our share is not the largest, but it is more than we have had in the past.

It is a critical time. It is a critical situation. We need to move. As I said, I know there are different views and I understand that. There are decisions that have to be made in this bill in terms of distribution of funding, not only among States, but what is used for mass transit, what is used for pathways, and a number of other safety projects and things of that kind.

But, really, our responsibility is to come to an agreement and move forward here and then bring it to the House and get this done. I think, of course, it is also one of the big economic features before us. It creates lots of jobs immediately. But more importantly, it strengthens the whole economic structure so we can develop with other kinds of jobs.

I know there is the case about there being donors. Let me talk about a larger State that does pretty well. We have thousands of miles of roads, 27,000 miles of roads, and relatively few people. But lots of people who do not live with us are going through. This is a Federal highway system and it has to move throughout the country. So the decision as to appropriating and adjusting the money among the States is not an easy one. Certainly not everybody agrees with how we are going to do it.

In any event, I am not going to take more time. We have learned a great deal about it. Again, one of the most important aspects we have to deal with is the funding that is related to the tax that is assessed on gas. We made some changes on some of the others.

I urge Senators to pass this bill.

Mr. INHOFE. Will the Senator yield? I understand the Senator, in addition to being on the committee I chair, is also on the Finance Committee. Would he care to report on what has just transpired in the last hour or so?

Mr. THOMAS. We have passed a bill there to bring it to the floor. The funding is very close to what the chairman used in our Environment and Public Works Committee.

As we said, the direct amount from gas funding was somewhat short, but we used some other things, dollars that were related, and scooted them over from other expenditures into this bill so we are offsetting the costs. We find ourselves with the amount of money pretty much as laid out by the chairman and the chairman's committee. I appreciate very much what he has done and certainly hope we can move forward.

Mr. INHOFE. I further ask, since I am chairman of the committee, if the Senator who has the floor now will yield to me for a few comments.

Mr. THOMAS. Certainly.

Mr. INHOFE. I see Senator THOMAS, from a State such as Wyoming, falls into a category we are taking care of in the formulas. That is low-yield or low-population States. They have to be looked after. As he points out, people are driving through, yet they don't have the population base to be supporting large amounts of revenue to pay for the roads.

On the other hand, we see Senators such as the Presiding Officer now, from the State of Texas, one of the fastest growing, largest States. He certainly has problems. So being very careful to try to take care of all these diverse needs in establishing a formula to put together something that would take care of the large States, we put in a ceiling and we put in a floor. We put something in there for donee and donor States. It is a very difficult formula.

I remind my colleagues who might not feel this is a fair approach to it, to remember, to recall when we tried to do this before under TEA-21, we had a purely political system. Everybody got a percentage of the amount of money that was there and it was all driven by politics. Once they received 60 votes, they didn't care what happened. We are not doing that. We have a formula that takes care of all these needs.

I saw the senior Senator from Pennsylvania coming through just a moment ago and there have been some complaints from that State. I compare that to my State. My State is 20 percent larger than the State of Pennsylvania, yet we have roughly the same number of miles of roads. Yet under this formula, he is receiving some \$3 for every \$1 we receive. That doesn't look like I do a very good job for my State of Oklahoma. Nevertheless, it is a reality that we have to consider all these things.

If you look at some of the commitments we have made, we had four

principals who spent more time than anyone else drafting this bill. They were, of course, myself as chairman, Senator JEFFORDS as the ranking member, Senator REID as the ranking member on the subcommittee, and Senator BOND on the Transportation and Infrastructure Subcommittee, subcommittee chairman.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INHOFE. I will conclude by urging my colleagues not to waste any more time. We need to get to this. We should have done this back on September 30. I urge colleagues that we invoke cloture and get right to the bill.

Mr. KOHL. Mr. President, it is with great disappointment that I rise today to express my objection to moving forward on the bill before us, SAFETEA. The cloture vote that we will have in the next few hours is the first step towards debating a bill with which few in this body are completely familiar. Essential elements of the bill came out of the Finance Committee today, and Senators have clearly not had enough time to review these proposals and to assess the effect on their States. I believe that debating and voting on this legislation this week would be irresponsible, and potentially damaging to many States, including the State of Wisconsin.

The leadership has made it clear that they intend to push this measure through under artificial time constraints. Yet, members of the Environment and Public Works Committee were not given essential information before the transportation bill was brought for a vote on November 12, 2003, and now Members of the Senate will be debating a formula we haven't seen and are told we can't change. The unknowns, at this point, outnumber the areas of understanding. Many Senators still haven't seen crucial information from the Finance and Banking Committees. Questions of how to pay for this bill and how transit funding will be distributed among the States were debated in Committee as recently as today. I fail to see how we are acting responsibly to vote on legislation the same day it comes out of Committee.

I want to make my self clear. I support a 6-year authorization of transportation dollars. And I support a bill that would be funded at the levels the Senate supported in last year's budget resolution, and that is fiscally responsible. During every previous authorization, I have fought to give my State equitable—equitable, not favorable—treatment under the various formulas. I could not, in good conscience, move forward with a bill that would be a step backwards for my State.

I understand that moving forward today does not eliminate all the opportunities to alter this bill and make it better. However, the complexities of the formulas that the Senate will be dealing with require additional time for review. I am particularly troubled by possible effects on Wisconsin of the

proposed amendment dealing with the distribution of highway funds among the States. This formula was not released until just over a week ago, and yet this is what determines every State's level of transportation funding for the next 6 years. This amendment contains the new "equity bonus" program, dictating the State's percentages of formula funding. The State of Wisconsin is a loser under this formula. According to charts from the Federal Highway Administration, Wisconsin's rate of return will drop to \$.95 by the second year of the bill, and remain there for 4 years. I understand that the formulas involved are complicated and difficult to alter. In my mind, this provides all the more reason granting Senators additional time to review and amend them.

A 6-year authorization bill should not move forward under an arbitrary time limit. As a Senator whose State could be harmed by this legislation, I will use all the procedural tools at my disposal to give myself more time to understand and amend the bill. In addition, I will use any legislative means to fix the inequities that exist in the proposed formula amendment. I am hopeful that the leadership will work with me in the coming weeks to protect my State and advance the best possible reauthorization bill.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion. The clerk will report the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 426, S. 1072, a bill to authorize funds for Federal-aid highways, highway safety programs, transit programs, and for other purposes:

Bill Frist, James M. Inhofe, John Cornyn, Susan Collins, Craig Thomas, Pat Roberts, Conrad Burns, Thad Cochran, Norm Coleman, Richard Shelby, Mike Crapo, Robert F. Bennett, George V. Voinovich, Ted Stevens, Lamar Alexander, Lindsey O. Graham.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1072 shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. COLEMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the

Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The yeas and nays resulted, yeas 75 and nays 11, as follows:

[Rollcall Vote No. 7 Leg.]

#### YEAS—75

Alexander	Daschle	Lugar
Allard	Dayton	McConnell
Allen	DeWine	Mikulski
Baucus	Dole	Miller
Bayh	Domenici	Murray
Bingaman	Dorgan	Nelson (FL)
Bond	Enzi	Nelson (NE)
Boxer	Feinstein	Nickles
Breaux	Fitzgerald	Pryor
Brownback	Frist	Reid
Bunning	Graham (SC)	Roberts
Byrd	Grassley	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Hatch	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Cochran	Kennedy	Snowe
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Corzine	Levin	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Wyden

#### NAYS—11

Akaka	Gregg	McCain
Dodd	Hutchison	Specter
Feingold	Kohl	Sununu
Graham (FL)	Kyl	

#### NOT VOTING—14

Bennett	Edwards	Lieberman
Biden	Ensign	Murkowski
Burns	Harkin	Reed
Coleman	Hollings	Stevens
Durbin	Kerry	

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. HARKIN. Mr. President, I would like today's RECORD to indicate that I am necessarily absent due to a delayed incoming flight to Washington. Had I been present for the vote on the motion to invoke cloture on the motion to proceed to consideration of the highway funding bill, I would have voted yea.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. DURBIN. Mr. President, on Senate rollcall vote 7, to invoke cloture on The Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (S. 1072), I was absent due to a delayed flight. If I had been present for the vote I would have voted in the affirmative, to invoke cloture and proceed to the bill.●

Mr. INHOFE. Mr. President, first of all, I thank all the main principals in-

volved: Senators JEFFORDS, REID, BOND, and the entire committee. I think it was a very good vote. I think we are going to be able to move on to the biggest jobs bill probably in the last 10 years. I thank my colleagues for their strong support.

Mr. JEFFORDS. Mr. President, I commend the Senator from Oklahoma. I have been through this before, but this was the most expeditious and well-run operation I have been involved in, and I think we are moving toward a successful result.

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1072, the highway bill, at 10:30 a.m. on Tuesday, February 3.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. What is the parliamentary situation?

The PRESIDING OFFICER. We are postcloture on a motion to proceed to the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Is the Senator wishing to speak in morning business?

Mr. ALEXANDER. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### TWO SUPER BOWLS

Mr. ALEXANDER. Mr. President, I rise to propose that we turn the Presidential nominating process over to the National Football League, except for Super Bowl half-time shows. Then maybe we can have a second Super Bowl, where anything is possible and everyone can participate.

Take the example of our colleague Senator KERRY's team—I am sure the Senator from Vermont will be quick to point out it is the team of many Senators from New England—the New England Patriots. Last night, they became the Super Bowl champions.

On September 12, in the season's first game, the Buffalo Bills trounced the Patriots 31 to 0. If this had been the first-in-the-Nation Presidential nominating caucus, the Patriots would have been toast. You know the pundits' rule: Only three tickets out of Iowa. The Patriots certainly didn't look like one of the three best professional football teams. Then, the Washington Redskins defeated the Patriots, as unlikely as it would have been for DENNIS KUCINICH to upend Senator KERRY in New Hampshire. But in the National Football League, upsets don't end the season. The Patriots played 14 more games. They won them all. Yesterday, they beat the Carolina Panthers in the Super Bowl for their 15th consecutive win.



The National Football League schedules 20 weeks of contests over 5 months to determine its champion. The Presidential nominating process, on the other hand, uses the equivalent of two preseason games in Iowa and New Hampshire to narrow the field to two or three—and sometimes they effectively pick the winner.

The NFL wasn't always so wise. In the 1930s, league owners rearranged schedules after the first few games so that teams that were doing well could play one another. This was good for the Chicago Bears, for example, but not for the league. Fans in other cities quit going to the games—just as voters in most States have quit voting in Presidential primaries.

Bears owner George Halas and others created today's competitive system in which almost any one of 32 teams can hope to make the playoffs. Green Bay can make it because the league makes sure that even smalltown teams have enough revenue. Prime-time television opportunities are rotated. Each Monday, senior officials in the league's New York office grade every call and no call to second-guess even the instant replays.

Professional football has become America's game because it symbolizes the most important aspect of the American character: If you work hard and play by the rules, anything is possible. As a result, 8 of 10 of the most watched network television shows have been Super Bowls; 98 of the 100 best watched cable television games have been NFL games.

Every September, the NFL fields 32 teams, almost all with a shot at the playoffs. Every 4 years, the Presidential nominating process does well to attract a half dozen credible candidates for the biggest job in the world. All but half are effectively eliminated after two contests. If professional football were Presidential politics, Sportscenter would pick the Super Bowl teams after 3 or 4 preseason games.

These two steps would fix the Presidential nominating process:

No. 1, spread out the primaries. Twenty-eight primaries are crammed into 5 weeks after New Hampshire. Congress should assume the role of Paul Tagliabue. Create a window between February and May during which primaries may be held every 2 weeks. Iowa and New Hampshire could still come first, but they would become off-Broadway warmups and not the whole show.

The second step that would fix the process would be to allow more money—to raise their first \$10 million, let candidates collect individual "start-up contributions" of up to \$10,000. Today's \$2,000 limit makes it impossible for most potential candidates to imagine how to raise, say, \$40 million. During 1995, when I was a candidate and the individual limit on contributions was \$1,000, I fattened 250 fundraisers in that 1 year to collect \$10

million. The combination of the new \$2,000 limit, the increased coverage of new cable channels, and the growth of the Internet have made it easier to raise money.

Still all but Senator KERRY was short of cash after New Hampshire. Put it this way: The Packers would never make it to the playoffs under the revenue rules of Presidential primaries.

Mr. President, 45,000 Iowans voted for JOHN KERRY in the first caucus. About 83,000 New Hampshire voters voted for him in the first primary. More Americans actually attended last night's Super Bowl game in Houston, TX, than voted in either Iowa or New Hampshire. Ninety million others watched the Super Bowl game on television.

Perhaps we should learn something from America's game about how to pick a President. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### "A TRUST BETRAYED"

Mr. DASCHLE. Mr. President, a recent article in the January 26, 2004 edition of TIME Magazine entitled "A Trust Betrayed" has again reminded the Nation of the shameful and illegal manner in which the United States treats Native Americans.

A pending class action lawsuit alleges that the United States owes over \$100 billion to some 500,000 Native Americans. For over 100 years, the Department of Interior has served as the trustee for the proceeds from the leasing of oil, gas, land and mineral rights on Indian land, yet the Department cannot tell us how much is owed or to whom it is owed. This money is desperately needed to address basic human needs and stimulate economic development.

There are important legal issues at stake. The concepts of sovereignty, treaty rights, and government-to-government relations all come into play.

Indian trust reform is also a civil rights issue. We are becoming a much more diverse country. How can Hispanic Americans, or African Americans, or anyone else, trust the United States if we are still breaking our legal obligations to our first Americans?

I commend this article to the attention of my colleagues, and once again

urge the Department of Interior to provide the accounting required to all Native Americans.

I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time Magazine, Jan. 26, 2004]

#### A TRUST BETRAYED?

NATIVE AMERICANS CLAIM THE U.S. MISMANAGED THEIR OIL AND GAS LEGACIES IT PROMISED TO PROTECT

(By Marguerite Michaels/Shawnee)

Ruby Withrow remembers the happy days she spent as a young child on her grandfather Moses Bruno's 80-acre homestead near Shawnee, Okla. There the extended Bruno family, members of the Potawatomi tribe, tended large gardens of vegetables and fruits and raised chickens, hogs and cows. On Sundays the whole family attended the Sacred Heart Catholic Mission just down the road. But all that changed soon after oil was discovered on the Bruno property.

Lease agreements were arranged with oil producers, wells were dug, and pumping began in 1939. But family members say Grandpa Bruno never knew how much oil and gas were being taken out of his land or how much money he was due from their sale. All his royalty payments went into a trust fund managed by the Bureau of Indian Affairs (BIA). If Bruno needed to buy something, he had to appeal to the local BIA agent, and he was rarely given cash. When he wanted to buy a cow, the price was deducted from his account and given directly to the seller. When he bought groceries, he paid for them with a BIA voucher.

The wells were plugged just 28 months later—Bruno family members say the wells' operator never gave a reason for ending production—but in that short time, they say, the soil was ruined, and the Brunos were able to grow hardly anything on it. Younger family members moved away to find jobs, and the old folks limped along on public assistance until 1960, when Bruno and his wife Frances died within a month of each other. Their heirs decided to sell what remained of the land the next year.

Such stories are common among Native Americans. Like legions of others, Bruno acquired his holdings under the Dawes Act of 1887. Its allotment program was an effort by Congress to break up the tribal structure by encouraging self-sufficiency among the Indians. The Dawes Act mandated that the land given to Natives be managed by the Department of the Interior's local BIA agent and promised that any profits from the property would be held in trust for its owners. The problem, say hundreds of families like the Brunos, is that the owners received relatively little of the money coming to them.

Over the past decade, many of the families have begun actively pursuing what they say is their rightful legacy. In 1996 Elouise Cobell, a member of the Blackfeet tribe, filed a \$135 billion class action against the U.S. government, claiming that billions of dollars belonging to some 500,000 Native Americans and their heirs had been mismanaged or stolen from accounts held in trust since the late 19th century. Through document discovery and courtroom testimony, the Cobell case revealed mismanagement, ineptness, dishonesty and delay by federal officials, leading U.S. District Judge Royce Lamberth to declare their conduct "fiscal and governmental irresponsibility in its purest form."

The BIA holds 11 million acres in trust for individual Native Americans. Money from timber sales and agricultural and oil leases

of this property is distributed under the same program that dealt with Moses Bruno. Five years ago, his descendants began tracking their patrimony. Their experience shows how difficult it can be to prove past wrongs and have them redressed.

Family members say Moses Bruno was never allowed to see his oil and gas account ledgers. It might not have done him much good if he had been, given that, like many Indians of his generation, he had never learned to read and could write only his name. When his eldest son Johnnie argued that the government was robbing him blind, the older man insisted that the Indian-agency people would never cheat him.

After World War II, Bruno's children tried to sue the oil company for saltwater damage to their soil caused by the pumping from the wells. "But even though my dad Johnnie took photos," says Ruby Withrow, 69, "we couldn't prove Moses had not allowed the salty runoff. There was no paper trail at that time." Nor was there money to pay for a lawyer. Over the years, family members looked for documents that could prove the bureau had treated Moses Bruno badly. They went to the National Archives in Washington, visited historical societies in Oklahoma and requested records from BIA offices in Shawnee and nearby Anadarko, Okla. Always they were told that few records were available.

The Cobell case reassured the Brunos that others had had similarly unhappy experiences with their BIA trust funds and motivated them to dig deeper for documents to support their complaints. Finally, after a 16-hour marathon on the Internet in the fall of 1998, Dana Dickson, Ruby Withrow's daughter, discovered on an obscure Indian arts-and-crafts site a link to Oklahoma Indian-agency files located at the regional National Archives in Fort Worth, Texas. A family delegation immediately made the trip. "I'll never forget the first time we went down there," says Dickson's cousin Johnnie Flynn. "Dana and I were pulling file after file. One of them was Moses Bruno's. It was three inches thick. I stopped and looked over at my mother and my Aunt Ruby. There were tears streaming down their faces."

They found grocery receipts and bills from JCPenney for socks at 15[cents] a pair and a coat for \$14.66. The purchase order from the Indian agency for Moses' first car was there, as were numerous voucher slips endorsed with his tentative, spidery signature. Most important, there were pages of ledger sheets detailing his individual BIA money account.

More than half a dozen visits later, Moses' grandson Leon Bruno has accumulated enough photocopies of documents to fill 19 loose-leaf notebooks. Papers show that Moses' entire 80-acre allotment first came under an oil lease in 1923. Six years later, according to BIA documents, 20 of those acres were sold to two local white men for \$1,311, or \$65.55 an acre. The family has found contradicting government estimates of the land's royalty value at the time, ranging from \$50 to \$400 an acre. And documents are unclear about whether Moses Bruno understood before the transaction was completed that the land was being sold. A well was drilled on these 20 acres in 1933 and still pumps to this day.

In 1931 Bruno got permission from the BIA to withdraw 20 separate acres of his allotment from the trust, and he began selling percentages of his oil and gas royalty interest. Four wells were eventually drilled on the remaining BIA-controlled 40 acres and pumped from March 1939 to the end of 1941. It was the practice then for oil companies to send royalty-payment checks for Indian-owned property directly to the superintendent of the local BIA office. Each day the Shawnee office made a deposit via cer-

tified mail to the Federal Reserve Bank in Oklahoma City, Okla. The deposit sheet listed the source of each check, its amount and the day's total deposits. Daily entries were also made in the office's cash-receipts journal, registering the payment to each individual Indian account on a ledger card.

Sorting through those old documents, with the lingering resentments the families have toward the BIA, can be confusing. When Dana Dickson began comparing the amounts posted to her great grandfather's ledger card with the sums on the deposit sheets for the same days, she discovered that 10% was routinely funneled from the oil check to a special-deposit account. Dickson and her relatives suspected that corrupt agents were taking the money for themselves. But Ross Swimmer, a Department of the Interior ombudsman working on behalf of Indian-trust beneficiaries, told *TIME* that the deduction, which was not exclusively to Moses Bruno's account, was simply a fee that the BIA charged for managing the oil and gas properties held by the trust funds.

Nearly two years after the elder Brunos died in 1960, a Shawnee bureau agent suggested that the family sell its remaining 40 acres, along with the property's mineral rights. "[The minerals have only a] nominal value," the agent wrote in a letter to the regional BIA office in Anadarko. The family signed off on the sale, netting a \$3,022.50. In 1982 a new oil well was drilled on that land and is still pumping.

The Bruno family acknowledges the pressure the BIA was under during the oil-boom years. In the 1935 annual report of the Shawnee agency, the superintendent called his office "woefully undermanned," handling 1,500 Indian money accounts with only one clerk, who had no modern account machines. "Maybe there were some mistakes made," says Leon Bruno. "[But] a lot of what went on was deliberate." The family estimates that Moses Bruno earned a total of \$35,000 from his oil and gas leases. The production figures the descendants unearthed, on just one well on the land that was sold in 1993, amount to almost \$70 million.

It is not clear whether the family will ever receive compensation for any miscalculations that may have been made on their land sales and oil leases. Elouise Cobell's class action has stalled in the face of the Department of the Interior's estimate that it would take five years and \$335 million just to account for the money from land and mineral leases covering a period of more than 100 years. And Congress is balking at the expense—even though its committees have issued more than one report over the years about gross mismanagement of Native American trust funds. In December the Bruno descendants decided to withdraw from the Cobell suit and hired a lawyer to pursue their own.

"It's not about the money," says Moses' granddaughter Ruby Withrow, a nurse who administers a diabetes program for the Absentee Shawnee tribe. "I want some justice for a man who trusted the United States and was betrayed." The BIA has looked into the family's claims and says that while the records for Moses Bruno's account may not be complete, "no instance of malfeasance was found in the records that we examined." In a fax to *TIME*, the agency stated that "understandably, the family did not review these files with a historian's commitment to objectivity."

Still, the search for what happened to Moses Bruno's land has produced a new sense of equanimity for his family. There have been several meetings to bring all the descendants—some 200 plus—up to date on the stories the documents tell. Leon Bruno has started a nonprofit corporation, funded by

garage sales, raffles and donations from family and friends, that he hopes will eventually allow the family to pay for an organized study of its Potawatomi culture and language. He and his wife Veta attend the annual gatherings of the nine Potawatomi bands, now scattered over several states. Leon has gone through the training and fasting that are required of those chosen as the tribe's honored fire keepers. And he has built a roundhouse on his property in Tecumseh, OK, where family members gather four times a year to light a sacred fire and pray for the memory of their ancestor Moses Bruno.

#### HONORING MONROE SWEETLAND

Mr. REID. Mr. President, I would like to say a few words about a citizen of the great western part of America, Monroe Sweetland.

Monroe lives in Oregon, where he has enjoyed a wonderful life of public service. He has been a State Senator, a national leader of teachers, a journalist, and the publisher of a number of small newspapers.

He served in the Pacific with the Red Cross during World War II. After returning home he became the political director for the National Education Association in the western States.

He was a confidant of Eleanor Roosevelt and an ally of President Harry Truman.

His home in Milwaukie, OR, which was built in 1878, is a historic landmark. That isn't just because it is an old house, but also because of the many important people who visited him there.

The most famous visitor was President John Kennedy. In fact, I have been told that Monroe's wife Lillie was the person who suggested to JFK that a rocking chair would ease the pain in his back.

Others who visited Monroe and Lillie included Vice President Hubert Humphrey, Ambassador John Kenneth Gailbraith, and Senators Wayne Morse, "Scoop" Jackson and Estes Kefauver.

Monroe recently turned 94 years old. Although he has been legally blind for several years, he is fond of saying that he has lost his sight, but not his vision. As a former newsman, he still enjoys having the paper read to him by visitors.

He has been called the father of the modern Democratic Party in Oregon, and a founding father of Portland State University.

He is also responsible, more than any other person, for a very important piece of Federal legislation—the Bilingual Education Act of 1968.

That law opened the doors of education and opportunity to young people in the West and other parts of the country who are native speakers of Spanish.

Up until then, these students were often placed in classes where they couldn't understand what was going on, with disastrous results. But in the early 1960s a number of innovative programs began to spring up, including a successful one at Pueblo High School in Tucson.

In 1966, Monroe organized a symposium on the education of Spanish speaking children. Prominent educators and elected officials from Western States came together, and a consensus emerged that bilingual education was a realistic approach to the needs of Spanish speaking students.

U.S. Senator Ralph Yarborough of Texas credited Monroe for his decision to attend the symposium, which influenced him to sponsor the Bilingual Education Act of 1968.

Once the bill was introduced, Monroe Sweetland helped marshal support for it. He arranged witnesses for the hearings, and he persuaded the NEA to endorse it. Without his efforts, it would not have passed.

The Latino community in the United States has come a long way since 1968. But we are still fighting to provide better education opportunities for Latino students. As we continue to press onward, I hope we never forget the contributions of Monroe Sweetland and others who helped pass the Bilingual Education Act of 1968.

On a personal note, my long-time chief of staff Rey Martinez was nurtured in the ways of politics by Monroe. Rey would be the first to acknowledge Monroe's political acumen, and I would be the second. Oregon and our entire country are a better place because of this good man.

## HONORING OUR TROOPS

### DEATH OF SGT CORY R. MRACEK

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Cory R. Mracek, a fellow Nebraskan and sergeant in the United States Army. Sergeant Mracek was killed on January 27 when his patrol was attacked near Iskandariyah, Iraq. He was 26 years old. Sergeant Mracek served in the 3rd Battalion, 319th Airborne Field Artillery Regiment, 82nd Airborne Division, based in Fort Bragg, NC.

A resident of Hay Springs, NE, Sergeant Mracek was a dedicated soldier who was committed to his family and country. Sergeant Mracek enlisted in the Army after graduating from Hay Springs High School in 1995. His mother, Pat, said her son was a good soldier who "was very proud of his country," and loved serving in the Armed Forces.

In addition to his mother, Sergeant Mracek is survived by his father, James, and sisters, Stacy and Heather. Our thoughts and prayers are with each of them at this difficult time.

Sergeant Mracek and thousands of brave American service men and women confront danger every day in Iraq and their tremendous sacrifices must never be taken for granted or forgotten. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Sgt. Cory Mracek.

## LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred in Fort Wayne, IN, on March 29, 2002. John Runner, a 34-year-old gay man with disabilities, was found severely beaten in his home. He had also suffered substantial burns caused by hot bacon grease. Part of his brain had to be removed during emergency surgery. Law enforcement agents allege that Runner's cousin and roommate, Maurice Ellis, found Runner in bed with another man and an argument ensued. Investigators say that Ellis proceeded to beat and torture Runner over a 12-hour period. Runner was unable to defend himself due to his disability.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## THE FEDERAL BUDGET

Mr. VOINOVICH. Mr. President, I rise today to discuss an issue that I have been known to have some thoughts on from time to time and that is our Nation's fiscal situation and this body's approach to its budget responsibilities.

First, I would like to congratulate my colleagues for passing the Omnibus Appropriations bill. In this bill, we funded all of the President's priority items requested in the fiscal year 2004 budget and still restricted discretionary spending to \$876 billion.

I recognize that many people were dissatisfied with this legislation. Some people believe Congress spends too little and last year my colleagues on the other side of the aisle offered amendments that would have added over \$87 billion to total spending in fiscal year 2004. Other people believe Congress spends too much and asked President Bush to veto the Omnibus Appropriations bill because it contains too much "pork". It seems that neither extreme was pleased by the fiscal result, which may be the best indication we did the right thing. I will not claim the fiscal year omnibus is perfect. Nevertheless, this bill represents the best possible compromise between true fiscal discipline and Congress' desire to spend.

Unfortunately, this is our eighth consecutive year of compromising fiscal discipline and the American people are beginning to wonder when we will ever get our act together. The last time dis-

cretionary outlays authorized by Congress were lower than spending requested by the President was in 1996. According to the Cato Institute, real discretionary spending increases in fiscal years 2002, 2003 and 2004 are three of the 10 largest annual increases in the last 40 years. Also, the Congressional Budget Office reports that if current appropriations maintain the same rate of growth we have given them since 1999, we will increase discretionary spending by \$2.7 trillion over 10 years and every penny of added spending will be reflected in the Federal deficit and debt.

Some people may take comfort in CBO's baseline projections that show the budget reaching surplus in 2013. Let me tell my colleagues these projections should not lull us into a false sense of complacency.

First, CBO itself explains the baseline projections must estimate the future paths of Federal revenues and spending under current laws and policies. The baseline is therefore not intended to be a prediction of future budgetary outcomes. Simply put, the CBO baseline projection assumes Congress will restrict the growth of spending to the rate of inflation, less than 3 percent a year and less than half its current rate of 7 percent. CBO also estimates that Congress will allow Federal revenues as a percentage of GDP to increase from 15.9 percent to 20.1 percent, almost a one-third increase.

Does anyone seriously believe Congress will restrict spending or increase taxes by the amounts required to meet the CBO projections? I wish I could say that I believed these projections but I outgrew fairy tales a long time ago.

Second, if we are honest with ourselves, many people just do not think deficits are important anymore. The commonly heard refrain from some of my colleagues is that Ronald Reagan proved deficits don't matter. Meanwhile, some people only seem to care about deficits when they get in the way of increased spending.

In 1995, the first year Republicans controlled Congress, spending grew by \$25 billion. In 2004, with Republicans still in control of Congress, spending will increase by \$224 billion. Essentially, the amount we increase spending each year has grown tenfold in just 9 years.

Well, I am here to tell you deficits are important. After 10 years as Mayor of Cleveland and 8 years as Governor of Ohio, I can tell you exactly why deficits are important. When a local or State government allows its finances to become dangerously unbalanced, creditors demand higher and higher premiums on municipal bonds until interest rates become unsustainable. Contractors withhold goods and services or demand strict payment terms as a condition of doing business. Taxes are often raised, which has a serious impact on businesses and families. Finally, government leaders are forced to make draconian cuts in public services.

Families and businesses often seek better opportunities elsewhere, because their local government leaders cannot solve the problems or provide government services such as school maintenance, fire and police protection and hospital services.

This downward spiral is not limited to state or local governments. Entire nations in South America, Eastern Europe, Southeastern Asia and elsewhere around the globe have followed this well worn path to fiscal demise. As much as we may like to think our Nation enjoys special protection from the laws of economics, the fact is that sooner or later our own fiscal irresponsibility and indebtedness will catch up to us. No government is immune to the consequences of deficit spending. Every government, State, local or national, that steadily increases spending with no means to pay the bill sooner or later pays a terrible penalty.

I know full well the penalty governments pay for fiscal foolishness. I took over as Mayor of Cleveland just after the city had gone into default and it took us 7 years to dig out of that hole. The, when I became Governor of Ohio, I inherited a \$1.5 billion debt and had to immediately make over 700 emergency spending cuts by executive order and cut spending four more times during my administration.

I am here to tell my colleagues that for the United States, that time is close at hand. Our Federal budget is in dire condition. We face a sea of red ink as far as the eye can see. And perhaps the worst thing about it is that few people in this body appear to recognize how bad our predicament is.

Since I came to the Senate in 1999, this body has increased Federal spending an average of 7 percent per year. If we maintain this pace, Federal spending will double every 10 years. Just 3 years ago, we enjoyed a Federal surplus and we now will suffer from major deficits for at least the next 5 years.

From the time I first arrived in Washington, I have worked hard to return the Federal Government to a balanced budget. For a short time, after hand-to-hand combat, we met our goal and for 2 years, fiscal years 1999-2000, we balanced the budget without raiding the Social Security surplus. Unfortunately, our success in balancing the budget was short-lived. In the blink of an eye we returned to spending the Social Security surplus and running large budget deficits. Today, instead of reducing our \$6 trillion national debt, we are expanding it.

In 2003, this past fiscal year, we suffered a budget deficit of \$375 billion. This means that we spent the entire \$161 billion Social Security surplus, and on top of that we had to issue \$375 billion in new debt. And, if we are honest about the numbers, next year, and the next decade, look even worse.

Thankfully, in the omnibus bill, we avoided adopting many of the irresponsible spending amendments offered by some members of this body. So many of

my friends on the other side of the aisle keep talking about how bad the deficits are, while at the same time, they keep supporting proposals to spend more money which would require borrowing even more next year. Since I joined the Senate in January 1999, there have been 190 attempts to waive the Budget Act, 67 last year alone. It defies logic for any group of Senators to complain about the deficit when they are making 67 attempts to waive the budget act and increase spending. I shutter to think what our deficit would look like if all 67 attempts had been successful. I find it troubling that many of my friends on the other side of the aisle cry crocodile tears about the size of the deficit while making 67 attempts to waive the budget act.

The proposals we did not pass total \$87 billion for fiscal year 2004 alone and would have cost over \$494 billion over the next 10 years, all of which would have added to the deficit. In other words, if these amendments had been approved, next year's deficit would be \$564 billion instead of \$477 billion. Even at today's very low interest rates of less than 5 percent, these amendments would have added \$1.7 billion in additional annual interest payments every year. Apparently some people see very little difference between paying \$200 billion a year in interest and \$202 billion; but where does it end? How much of our children's future and even our own secure retirement can we mortgage away?

Nevertheless, there is an optimistic message in these numbers. There may have been 67 efforts to waive the Budget Act in 2003 but only three were successful. For all its well publicized problems, the budget process is working. The super majority points of order, established to exert at least a small level of fiscal discipline, effectively prevented 64 of 67 efforts to increase spending.

I believe it is time to make the Budget Act even more effective. Therefore I will be working to include new points of order in the upcoming fiscal year 2005 budget resolution. These points of order will help end one of the most dishonest budget practices in Washington: the use of Social Security Trust Fund revenues to finance general government expenses.

One of the biggest problems here in Washington when it comes to the budget is getting the facts straight. For example, it is commonly thought—and reported in the media—that we only suffered a \$375 billion budget deficit last year. However, this figure ignores the fact that we borrowed and spent \$161 billion from Social Security surplus on top of the \$375 billion we had to borrow from the private markets.

We spend the Social Security surplus and leave the so-called Social Security trust fund full of government IOUs. Then, we pretend the money just dropped from the sky, and ignore the fact that we borrowed more money—not from the private markets, but from

future Social Security beneficiaries. Like most Americans, I think it is wrong to use this money to fund the day-to-day operations of the government. This is no way to manage the finances of our Nation. We must adopt budget process mechanisms that encourage fiscal responsibility, highlight the future consequences of our current decisions and limit the potential for bookkeeping chicanery that would make an Enron accountant blush.

But I am not under any illusions that simply tinkering with the budget rules will restore fiscal discipline. Congress has made an art form out of skirting the budget rules it sets for itself, and I have no doubt that we could come up with a number of creative ways to avoid these rules as well.

Instead, we need to give the American people the full picture about the budget outlook so that the political pressure will be created for Congress to play by the rules and restore fiscal discipline. Last year I worked closely with Chairman NICKLES and we were able to restore several important budget enforcement mechanisms such as: extension of supermajority enforcement of budget points of order; extension of discretionary spending limits in the Senate; extension of restriction on advance appropriations in the Senate; tighter restrictions on emergency spending legislation; and restoration of pay-as-you-go point of order in the Senate.

Also, as many of you know, last year I offered an amendment to the budget resolution requesting the CBO prepare a report describing the long term unfunded liabilities of the U.S. government. This amendment was approved by unanimous consent and CBO will shortly be providing us with this valuable information. I look forward to sharing this information with my colleagues. This year, I will go further and work to include a provision in the budget resolution directing CBO to include interest costs in its cost estimates for legislation. Many Members are surprised to learn that CBO does not factor in additional interest expense when it reports the cost of proposed legislation. It is as if we went to buy a house or car and completely ignored the financing costs and amortization schedule.

Today, our national debt stands at \$6.8 trillion. If our new CBO figures come to fruition, we will add a cumulative deficit of \$6.1 trillion from fiscal years 2004-2014, which would bring our debt up to a whopping \$12.9 trillion. At this level, the interest payments on the national debt would exceed \$600 billion, which is nearly twice as much as we currently spend on non-defense discretionary spending.

And who is going to end up paying for this debt? It won't be members of this body—no, instead it will land squarely in the lap of our children and grandchildren. I don't know any parents or grandparents who would think it was a good idea to run up huge personal debts

that their children or grandchildren would have to pay at the time of their death, but that is exactly what we are doing with out Federal budget.

It is immoral to bequeath nearly \$13 trillion of debt to our children and grandchildren. And most of the American people agree with me. I know this, because when people come into my office asking for money for a particular project, I always ask them the same question. That question is: is this particular priority worth putting your children and grandchildren further into debt? And it's remarkable, their attitudes immediately change, and many of them reconsider.

So the problem isn't that the American people aren't willing to sacrifice and make hard choices. The problem is that Congress hasn't had the guts to tell the truth about what we can and can't afford. We in Congress don't want to say no to anything. We want to have it all.

Over the past 10 years, Congress has increased spending at rates that would stagger the average family. Between 1995 and 2004 the growth in median income for wage earners in our Nation was 6 percent. There is not a single department in the entire Federal government that has been asked to restrict its growth in spending to less than 10 percent. The most frugal department, the Treasury, increased its spending by 10 percent or more than 1.5 times the level enjoyed by median income earners. The Department of Labor, guardian of the interests of the average workers, grew its spending by more than 99 percent or 16 times the increase earned by the workers it represents.

Those are the facts. Congress needs to wake up and smell the coffee. Unless we change course, start prioritizing, making hard choices, and stop spending like drunken sailors, we are going to saddle our children and grandchildren with a debt so large it boggles the mind.

I have no illusions about the enormity of the task at hand to restore fiscal discipline. It's a big job, but it is nothing short of a moral imperative. In order to avoid a total breakdown of the budget and appropriations process, President Bush will need to work very closely with Congress. Given the competing priorities in this body, it could be very difficult to increase Defense and Homeland Security by 9 percent while limiting the growth in domestic spending to only 1 percent. I am prayerful the Budget Committee will recognize the reality of these numbers and allocate sufficient funding to domestic budget function areas to gain the support of an overwhelming majority of Senators. To fail to do so would invite considerably more than 67 attempts to waive the budget act and if the budget is enacted with an arrow margin, I am not sure we will have the votes to defeat all of them.

And on top of all the pressure we face to increase spending, many of my colleagues would like to permanently ex-

tend the temporary tax reforms enacted last year, which would mean even less revenue than CBO has assumed in its most recent budget projections. So if we make these tax reforms permanent, we will need to either cut most of the spending in the discretionary portion of the budget or dig ourselves into an even deeper deficit hole.

Nor has anyone in the administration or in Congress seriously address the need to control mandatory spending. More than 55 percent of Federal spending consists of so called "off budget" mandatory entitlements. These mandatory programs may be off budget when we vote on appropriations bill but their costs weigh heavily on the budgets of future generations.

We have to recognize that everything we do this year will be measured against the backdrop of ever increasing deficits. It is time to take them seriously and begin to make the difficult choices needed to restore fiscal responsibility.

This will not be politically easy and I understand that. There is no shortage of important things the Federal Government could be doing across the Nation. And, I support many of those spending ideas.

But the simple, undeniable fact is that we can't have it all. We have to make hard choices.

#### FIDEL CASTRO

Mr. BUNNING. Mr. President, when we talk about national security and human rights and our support of democracy, much of our attention focuses on Iraq, other countries in the Middle East, or North Korea. But we cannot forget that just 90 miles off our shore, a dictator named Fidel Castro continues to stomp his boot down on democratic freedoms and human rights in Cuba.

After all, the cause of freedom for the Cuban people is no less important than the cause of freedom for millions in the Middle East and other parts of the world. And let me be clear to some of my fellow Americans, Fidel Castro is a ruthless dictator that jails, tortures, and even murders those that seek liberty and democracy in his own country.

Just ask Dr. Oscar Biscet's wife. In Spring of 2003, while the world's attention was on Iraq, Castro arrested Dr. Biscet and over 70 other Cuban advocates of democracy. Dr. Biscet and his peers did not promote violence in their quest for a free Cuba. They merely asked for the God-given right to speak freely, a plea for basic human rights, and the granting of free and fair election. Instead, Castro gave them harsh prison sentences. Amnesty International has adopted all of these men and women as "prisoners of conscience."

Dr. Biscet is now nearly a year into his 25 year sentence for peacefully opposing the Castro regime. In a letter

smuggled out of jail to his wife in November of 2003, he described his imprisonment: "The characteristics of the cell violate the law. There are no windows. There are only walls. Always in darkness . . . The sky can't be seen." The International Committee of the Red Cross, which last inspected Cuban prisons in 1986, should be allowed back into Cuba immediately. Others suffer similarly in jail. In many cases Castro and his thugs have killed his own citizens and dissidents who advocated freedom or tried to be free.

While regular Cuban citizens suffer economic hardships, the regime in Havana has used tourism, foreign investment and commerce to strengthen its stranglehold over its people. Yet many member of Congress support trading with Cuba and lifting the travel ban. This approach will not bring democracy to Cuba.

Europe and Canada have never imposed the type of travel restrictions that the United States has imposed. The large increase in travel from people from these free countries has not led to democratic reforms in Cuba. Actually, the opposite has been happening. As Castro has collected cash from these foreign tourists, he has increased his repression.

The tourist trade in Cuba is controlled by Castro's totalitarian regime. A system of tourist apartheid has been implemented whereby ordinary Cubans are denied equal access to hotels, beaches, restaurants, clinics, and hospitals set aside for tourists. Meanwhile, tourists are put in hotels and enclaves that are literally walled-off from the rest of Cuba and every employee of those hotels must be hired through the Cuban government. Thus, the money spent at these hotels goes directly to feed Castro's government. The money tourists spend on hotels and meals is the same money used to pay Castro's thugs that imprison Dr. Biscet and other beacons of democracy in Cuba.

President Bush has been steadfast in his support for the freedom loving people of Cuba. He has threatened to veto any bills that loosen travel and trade restrictions with Cuba. He has taken a bold stand for the good of the Cuban people. The Senate has also acted. We passed S. Res. 97 calling for the release of Castro's political prisoners shortly after Castro jailed Dr. Biscet and his peers. Also, last summer we passed S. Res. 62 calling on various human rights organizations to take action in regard to the situation in Cuba.

The international community needs to address the situation in Cuba as well. Tragically, the United Nation's Commission on Human Rights that should be out front and center condemning these atrocities has Cuba sitting as a voting member.

We must continue to support advocates of democracy currently languishing in dirty Cuban jails with hardened criminals and murderers. More than at any time in our ongoing struggle to bring freedom to the Cuban

people we need to provide a consistent, unified front. We need to support the Bush Administration's policies towards Cuba. We endanger lives and prolong the suffering of the Cuban people by supporting travel and trade with Cuba.

Not many people know that I once lived in Cuba. Before Castro took power, I played alongside many Cubans for a baseball team in Havana. I saw the beautiful Cuban beaches and got to know the country and its people well. I have fond memories of Cuba and my wife Mary and I would like to go back and visit someday.

But as long as good Cubans like Dr. Biscet and others are jailed by a ruthless dictator like Fidel Castro, I will not travel to Cuba I will wait until the day I can visit a free Cuba—A Cuba that respects human rights and free speech; a Cuba where children are not brainwashed under Castro's propaganda classes and where their spirits are free, where they can grow up without fear, and where they can grow up in freedom.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO THE ST. VINCENT DE PAUL COMMUNITY PHARMACY

• Mr. BUNNING. Mr. President, I pay tribute to the St. Vincent de Paul Community Pharmacy of Crescent Springs, KY on its outstanding dedication to the community.

The St. Vincent de Paul Community Pharmacy has been in operation for nearly 2 years now. Since then it has provided an invaluable community service by filling expensive drug prescriptions for the needy for free.

In this era of high costs for prescription drugs, it is very comforting to know that there are groups such as St. Vincent de Paul which are helping low-income people afford the prescriptions that they need. In its first 6 months of operation alone, the pharmacy has 2,000 prescriptions totaling \$180,000 in value. These efforts are made possible by concerned citizens and volunteer pharmacists that dedicate their time to this worthy endeavor.

The people of northern Kentucky, and across the entire Commonwealth, can all be proud of the dedication and kindness shown by the people at the St. Vincent de Paul Community Pharmacy. In order for our society to continue to be at its best, we must have organizations like St. Vincent de Paul Community Pharmacy in our communities and our lives. Kentucky is in your debt, and you make us all proud.●

##### DEPARTURE OF LESLIE BROWN FROM RECLAMATION

• Mr. SMITH. Mr. President, today I bid farewell and best wishes to Ms. Leslie Brown, who leaves the Bureau of Reclamation's Washington office after fifteen years of dedicated service.

For the majority of her 15 years at the Bureau of Reclamation, Leslie has

served in their office of Congressional Affairs with distinction and efficiency and without regard to ideology or partisanship. During my tenure both as chairman and as ranking member of the Water and Power Subcommittee of the Energy and Natural Resources Committee, Ms. Brown worked closely with my staff to make sure that testimony was submitted in a timely manner. She always worked to ensure that we got the information we needed from Reclamation in order to address many of the water resources issues facing Oregon and the western United States. We will miss Ms. Brown at Reclamation. With her there, we always knew we could get the information and assistance we needed in a timely manner and always with a smile on her face.

While Reclamation and those of us in this body who work with that agency are sad to see her leave Reclamation, I am pleased that Ms. Brown will continue to work with the Congress from her new post in the Congressional Affairs office at the Department of Agriculture's Rural Development—where she will continue to help Congress address the needs of rural communities throughout the United States.

Mr. President, I ask you and others in this body to join me in wishing her good luck and thank her for everything that she has done for me, for Oregon, for the Energy and Natural Resources Committee and for the Senate.●

##### HONORING MYRON EDLEMAN

• Mr. JOHNSON. Mr. President, I today publicly recognize Myron Edleman on his retirement from the Farm Credit Council. He has had the honor of representing farmers and ranchers in American agriculture since the mid-1980s when he was first elected to his first Farm Credit System entity board of directors. Over the years, the system configurations may have changed but Myron's service to the system remains as dedicated as it was when he first walked into a board room. He has served as an association director, a bank director and as representative on the Farm Credit Council. Additionally, he has been appointed to select committees, advisory committees, search committees and other system assignments too varied and too numerous to itemize. His tenure at Farm Credit has been mutually rewarding. He takes with him friendships and associations that he will forever treasure and leaves behind a legacy of commitment and effectiveness which few involved in the system have equaled.

Myron was born and grew up in Willow Lake, SD. He was an outstanding student at Willow Lake High School and served as valedictorian of his senior class. He lettered 16 times, once a year for football, basketball, and track. He was named to All-State teams in both basketball and football. Despite an opportunity to try out as a catcher for the Chicago Cubs, Myron instead opted for a football scholarship at Kan-

sas State University. But his love, known even then, was ranching and instead of pursuing his college education, he returned to Willow Lake to go to into partnership with his father.

Returning to Willow Lake, he married his high school sweetheart, Jean Brower, raised three children, and was a vital part of this small South Dakota community. He served as an elder and a deacon of the Presbyterian Church and was a member of the Gideons. He served also on the Willow Lake Farmers Elevator board of directors for many years. He and his father worked together raising purebred Hereford bulls and today's Edleman Ranch is a fourth generation operation which he owns and operates with his eldest son, Marshall. Together they run a Red Angus commercial cow/calf operation. He is also involved with sons Marshall and Jason as joint owners of the Split Rock Cattle Company. Additionally, he is chairman of Beef Origins, a family-owned business which is involved in a computer based livestock identification program. Unexpectedly, Jean passed on in 1989.

Myron's in-depth knowledge of both the livestock and farming industries has proven invaluable in his ability to represent farmers and ranchers in a positive and effective manner. His ability to articulate that knowledge and share it in a meaningful way has also been essential to the success he has achieved as a director. And his unwavering commitment has been without peer. No matter how last minute the meeting, how inconvenient the conference call time or how many times flights had to be re-booked. Myron has always been there, on time and on top of the issues. Add to this mix his strong personal characteristics of honesty, integrity and a keen intelligence, plus a handshake that conveys not only strength but honor, and it is easy to see why Myron is widely regarded as the most respected and effective director in Farm Credit System.

Always able to separate his personal politics and opinions from his directorial duties, Myron has worked unceasingly for agriculture and those who are part of the industry in an unbiased and professional manner. His countless contributions will be missed not only by his colleagues and his friends, but by agriculture as a whole. We are grateful for his service and wish continued success for his future. Myron looks forward to spending his retirement with his wife Anne whom he married in 1992.

It is with great pleasure that I share his impressive accomplishments with my colleagues.●

##### TRIBUTE TO BRIGADIER GENERAL WILLIAM T. BESTER

• Mr. INOUE. Mr. President, I would like to recognize a great American and a true military hero who has honorably served our country for 35 years in the Army and Army Nurse Corps: BG William T. Bester. Brigadier General



Bester has had a long and distinguished military career, which he began as a staff nurse before obtaining advanced education as a nurse anesthetist. He served at various medical facilities including Madigan Army Medical Center in Tacoma, WA, Okinawa, Japan and Fort Sill, OK. His tremendous leadership skills led to his selection as a nurse instructor at the Army Medical Department Academy of Health Sciences in San Antonio, TX, and as a nurse recruiter in Indiana. He also served as a personnel management officer at the Army personnel command in Alexandria, VA, and as deputy commander for nursing at the medical facility at Fort Ben Harrison, IN. Brigadier General Bester served with distinction in a series of assignments as deputy commander for nursing at the Medical Department Activity, MEDDAC, at Fort Leavenworth, KS, deputy commander for nursing for the Sixty-seventh Combat Support Hospital, Wuerzburg, Germany, commander for Medical Task Force 67 assigned to provide comprehensive medical support to the National Support Element in Tazar, Hungary, during Operation Joint Endeavor, and finally commander, MEDDAC and director of health services, Fort Jackson, SC. In every assignment, Brigadier General Bester was recognized for his loyal, dedicated, and proactive leadership throughout the military community.

In 2000, Brigadier General Bester was appointed the twenty-first chief of the Army Nurse Corps. As chief, Brigadier General Bester planned, implemented and monitored all policy and programs for 3,415 Army nurses and over 13,000 reserve component nurses. He successfully implemented numerous recruiting and retention initiatives in his tireless pursuit to combat the impact of the nationwide nursing shortage on the nurse corps and the Army civilian nurse workforce. Brigadier General Bester was instrumental in obtaining congressional sanctioned direct hire authority for civilian registered nurses. This dramatically improved the fill rate of professional nurses in Army medical treatment facilities. With regard to recruiting Army nurses, Brigadier General Bester championed expansion of Reserve officer training corps nursing scholarships to almost 200 schools across the country and expanded the number of available slots for the Army Enlisted Commissioning Program for Nursing from 55 to 75. To meet the growing need for nurse educators and researchers, Brigadier General Bester and his Federal Nursing Service colleagues worked with the Uniformed Services University of the Health Sciences and Congress to successfully establish a Ph.D. program in nursing science and a perioperative clinical nurse specialist program at the Graduate School of Nursing.

As the Assistant Surgeon General for Force Projection and the Deputy Chief of Staff for Operations, Health Policy and Services, Brigadier General Bester

shouldered the most complex policy and readiness issues. He consistently achieved positive results by fostering harmonious working relationships within the Pentagon and the Office of the Army Surgeon General. Brigadier General Bester was at the forefront of efforts to articulate the "medical position" to Army colleagues, Congress, TRICARE beneficiaries, and the sister services. He effectively oversaw and synchronized the conversion of the 91B and 91C Military Occupational Specialty into the 91W Future Medic—one of the most important and wide-ranging medical training initiatives of the past 20 years. Brigadier General Bester also championed the medical re-engineering initiative changes to the medical force structure, quality management techniques for the Army Medical Department, improved civilian personnel hiring incentives, and improved Reserve component integration.

As commander of the U.S. Army Center for Health Promotion and Preventive Medicine, Brigadier General Bester effectively guided the only worldwide, medically matrixed health promotion and preventive medicine organization within the Department of Defense. He accelerated a transformation that enhanced the center's relevance to the Army and its ability to deliver effective support across the operational spectrum in the wake of the September 11, 2001, terrorist attack on America. His emphasis on deployment occupational and environmental health issues, and the provision of operationally focused, health risk assessment guidance to combatant commanders within an operational risk management framework, directly contributed to saving the lives and health of our deployed soldiers in Turkey, Afghanistan, Iraq, and the Persian Gulf.

Brigadier General Bester's accomplishments are eloquent testimony to his talent, dedication, loyalty, and determination to ensure that the best possible medical and preventive medicine support is always available to our soldiers, civilians, and family members. Brigadier General Bester has established a legacy of superior performance to be emulated by all, which reflects exceptionally on himself, the United States Army, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful nation for his dedicated service. Congratulations to my friend, Brigadier General Bill Bester. I wish him Godspeed.●

#### IN MEMORY OF SEBASTIAN GARAFALO

● Mr. DODD. Mr. President, I speak in memory of the Honorable Sebastian Garafalo, who passed away on Wednesday, January 21, 2004 at 72 years of age.

Seb, as he was known, served the people of Middletown, CT for over 31 years, including four terms as one of its most popular mayors. This was no small feat. Seb Garafalo was a Republican

who was the mayor of a city with three Democrats for every Republican. But his hard work and his kind spirit won him supporters and friends on both sides of the aisle. Seb Garafalo was a friend and a gentleman first, and a politician second.

From an early age, Seb Garafalo was an individual who wanted to make a difference. As soon as he graduated high school in 1951, he enlisted in the Connecticut National Guard. During the Korean War, he was called up to active duty and was stationed in Germany. He reached the rank of SSG before being honorably discharged. For many years to come, Seb Garafalo would be intimately involved in veterans' causes in Middletown, including the founding of the Middletown Military Museum, Inc. just this past year. Until the day he died, Seb Garafalo never forgot his military service and those with whom he served.

After years of participating in community organizations, from the Elks Lodge and the American Legion to the St. Sebastian Church and the Holy Name Society, Seb Garafalo began his formal public service when he was elected to the Middletown Common Council in 1973. In 1983, he was elected to his first term as mayor. He would hold that post until 1989, and then again from 1991 to 1993. Seb helped renovate Middletown's schools, roads, and parks, and took the lead on building a trash-to-energy plant. He even put his own life on the line when he wore a wire for the Middletown Police Department while meeting with individuals suspected of organized crime.

After his final term as mayor, Seb spent 6 years as Middletown's tax collector, and then was elected, once again, to the Common Council. In 2001, he closed out a long and accomplished career by serving as assistant district director for my friend and colleague Congressman ROB SIMMONS.

Seb's commitment to service was obviously extraordinary. And that kind of commitment extended to his private life as well. Seb was married to his high school sweetheart, Marie, and they had two sons, Michael and Joseph. When Seb was diagnosed with the disease that eventually would take his life, he was given six months to live. But he was determined to be there with Marie to celebrate their 50th wedding anniversary. So for 2½ years, Seb Garafalo fought cancer with that dream in mind. And just a few months before his passing, he and Marie did have that golden anniversary celebration.

On behalf of the United States Senate, I offer my thanks to Seb Garafalo for his years of service to the people of Middletown. And I offer my most heartfelt sympathies to Marie, Michael, Joseph, Seb's sister Josephine, his grandchildren and great grandchild, and to everyone who knew and loved him.●

# TRIBUTE TO JOHN A. WILLIAMS SR. OF PADUCAH

• Mr. BUNNING. Mr. President, I pay tribute today to John A. Williams, Sr. of Paducah, KY for his diligence and commitment to the community in which he lives. Mr. Williams was honored for his civic work at the Paducah Area Chamber of Commerce Annual Dinner on Thursday, January 29, 2004.

In 1965, John A. Williams founded Computer Services, Inc., CSI, under the initiative to provide the finest bank data processing services in Western Kentucky and Illinois. CSI, which began with six employees and three customers, was an agreement of three Paducah banks to consolidate for the initiative. Mr. Williams continues as chairman of the board for CSI, which is now ranked as the fourth largest bank data processing company in the nation and continues to bring new technology and jobs to the region it serves.

Additionally, Mr. Williams has served on the board of every major business, civic, and cultural organization in Paducah. He is currently on the board of Paducah Power Systems, and has served on a number of Governors' Commissions for the Commonwealth.

The Paducah Area Chamber of Commerce named Mr. Williams Distinguished Citizen for his work in securing money for the Luther F. Carson Four Rivers Center, leading a campaign that raised more the \$9 million for the performing arts center. The citizens of Paducah are proud of the beautiful, downtown Four Rivers Center and appreciate Mr. Williams and the other citizens that put so much time and energy into securing the funds for the center. The center opens at the end of February and will provide the entire region with a wide variety of entertainment, cultural, and educational programs.

Mr. Williams is a tribute to Paducah and the entire Commonwealth of Kentucky. I thank the Senate for allowing me to recognize him and the contributions he has made.●

## BILL WORKMAN

• Mr. GRAHAM of South Carolina. Mr. President, thank you for this opportunity to recognize the accomplishments of one of my constituents Bill Workman.

I rise to commend him for his previous work as Mayor of Greenville, SC from 1983 to 1995, his many years of tireless community activities, and his most recent position as vice president of South Carolina District Operations of Piedmont Natural Gas Company. He is scheduled to retire from this position in February 2004.

Mr. Workman also serves as president of the Greenville County Research and Technological Development Corporation and as charter chairman of the Greenville Area Development Corporation.

Over the past few decades, Greenville and upstate South Carolina have slow-

ly been transformed from being a textile capital of the world to a much more diversified economy. Since 1985, engineering, telecommunications, retail and knowledge-based companies have joined manufacturing as major sources of new jobs. There is no doubt Greenville is now one of the Southeast regions' premier cities for business.

Bill Workman played a leading role in this evolution and has made many noteworthy contributions to Greenville and upstate South Carolina.

He served as a past president of the Municipal Association of South Carolina and is a recipient of the Order of the Palmetto, a graduate of Leadership South Carolina, and is listed in Who's Who in America. He was named the 1999 Nelson Mullins Business Person of the Year in Greenville and Volunteer of the Year for 2000-2001 by the South Carolina Economic Developers Association.

Mr. Workman is a graduate of The Citadel and served 2 years active duty. He has worked as a newspaper reporter for the Charleston News and Courier and the Greenville News. He later taught and served as dean of Allied Health Sciences at Greenville Technical College. He served 6 years on the school board of Greenville County and was a founder of the S.C. Literacy Association.

He served as executive assistant for natural resources and economic development for Gov. James B. Edwards. Mr. Workman's selfless efforts also include community economic analyses and siting studies involving hundreds of counties in North America.

He has two sons, three stepdaughters, and three grandchildren and is married to the former Patti Gage Fishburne of Walterboro.

We all appreciate his years of service to his community and wish him the very best in all his future endeavors. Mr. Workman may retire in February from his position with Piedmont Natural Gas, but as his past history has shown, he will never retire from his commitment to making Greenville a great place to live.●

## NTCA 50th ANNIVERSARY

• Mr. DORGAN. Mr. President, I rise today to honor the National Telecommunications Cooperative Association as they celebrate their 50th anniversary. I take great pride in the fact that BEK Communications Cooperative of Steele, ND is among the founding members of NTCA. Forming soon after the Rural Electrification Administration, REA—today known as the Rural Utilities Service—was granted authority to make loans to telephone companies, BEK and its fellow members in the National Telecommunications Cooperative Association, NTCA, have evolved from providing basic multiparty telephone service to offering a full array of advanced telecommunications services.

Rural telecommunications carriers owe a debt of gratitude to REA, and

those who sought to expand its role. The idea of expanding the scope and authority of the REA, began in the late 1930s when REA Administrator John Carmody wrote:

Personally, I have long felt there was a real opportunity for constructive assistance to rural people in the idea of Federal financing of farm telephone lines. It seems to me that the rural people have just as much right to up-to-date communication as they have to modern power. There's no question in my mind but that Government assistance will be required if the job is ever to be completed.

This idea remained just an idea until 1944 when Senator Lister Hill, a Democrat from Alabama, introduced legislation calling for the formation of the Rural Telephone Administration, modeled after the REA. Senator Hill was soon joined in his effort to bring telephone service to rural America by, Representative W.R. "Bob" Poage, Democrat from Texas, who introduced similar legislation calling for the expansion of the existing REA to make telephone loans.

Following 4 years of failed attempts, Congress finally succeeded in passing the telephone amendments to the Rural Electrification Act. On October 28, 1949, President Harry Truman signed the measure into law, which granted the REA the authority to make loans for the extension and improvement of rural telephone service.

Soon thereafter, the National Rural Electric Cooperative Association, NRECA, created a telephone committee, composed of representatives of newly formed joint electric-telephone cooperative organizations. By 1954, representatives from these co-ops, with the encouragement of NRECA, decided that the time had come to form a separate national organization to represent telephone cooperatives.

On June 1, 1954, eight companies, including my constituent then known as BEK Mutual Aid Corporation, along with: Buggs Island Telephone Cooperative, Chase City, VA; Mark Twain Rural Telephone Company, Bethel, MO; Mid-Rivers Telephone Cooperative, Inc. Circle, MT; Pineland Telephone Cooperative, Inc. Metter, GA; Winnebago Cooperative Telephone Association, Lake Mills, IA, Twin Lakes Telephone Cooperative Gainesboro, TN, and North Central Telephone Cooperative Lafayette, TN formed the National Telephone Cooperative Association, which was later renamed the National Telecommunications Cooperative Association.

BEK, whose name was formed by the initials of Burleigh, Emmons, and Kidder counties, was incorporated in 1952, and was one of the first recipients of telephone loans from the REA. In fact, the company received its first REA loan for \$371,000 in April 1952 to purchase and upgrade its Hazleton, ND exchange. In 1954, REA approved a second loan for \$1,499,000. This funding enabled BEK to expand their service territory with the purchase of several independent telephone companies and to

begin the process of establishing modern dial exchanges. The Hazleton exchange became the first to be cut over to modern dial service on March 3, 1956. BEK continued to grow and prosper throughout the 1950's and 1960's. In April 1967, a third REA loan enabled BEK to begin upgrading its system to one party service. By June 10, 1977, all of BEK's 12 exchanges had been upgraded to one-party service.

What began as a dream in the minds of rural residents 50 years ago has evolved into a diverse, state-of-the-art telecommunications company serving 6,000 members across 5,700 square miles in a six-county area. Today BEK Communications provides many basic and advanced services including: local and long distance telephone service, dial-up and high speed Internet access, using DSL & satellite technologies, advanced intelligent network features, ISDN, dedicated data circuits, voice mail, automated attendant functions, centrex and more.

BEK's success and its commitment to providing exemplary telecommunications services to its members is indicative of all the rural telecommunications carriers that make up the membership of the National Telecommunications Cooperative Association. NTCA's membership has expanded from eight members in seven States to 558 members spread across 45 States. These small rural telecommunications systems provide voice services to approximately 3,270,000 subscribers over a combined territory comprising some 40 percent of the geographic United States. On average, NTCA member-companies serve rural areas with a population density averaging between one to five customers per square mile, a sharp contrast from the Bell companies average of 130 customers per square mile. Today, NTCA member-companies on average serve 5,100 subscribers. In addition to their traditional voice offerings, most are also engaged in the provision of some combination of Internet, wireless, long distance, paging, and cable or satellite television services.

Through it all, NTCA members have maintained that local touch that can only be found by folks serving their friends and neighbors. With the financial assistance of the Rural Utilities Service, NTCA members remain on the cutting edge of technology by expanding broadband opportunities through such means as fiber-to-the-home projects in communities across this country. NTCA rural telecommunications companies continue to connect the heartland of America to the world. NTCA and its 558 member-companies should be commended for their ever present commitment to rural America.

Happy 50th Anniversary, NTCA.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### TRANSMITTING THE BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2005—PM 62

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly to the Committees on Appropriations and on the Budget:

The Budget I am proposing for 2005 is a reflection of this Nation's goals and purpose, and advances our three highest priorities. First, America will prevail in the War on Terror by defeating terrorists and their supporters. Second, we will continue to strengthen our homeland defenses. Third, this Nation is building on the economic recovery that began in earnest in 2003 with policies that further promote growth and job creation. In addition, we will continue to strengthen the domestic institutions that best express our values, and serve the basic needs of all: good schools, quality and affordable health care, and programs that promote hope and compassion in our communities. In meeting these priorities, the Government must exercise fiscal responsibility by limiting spending growth, focusing on the results of Government programs, and cutting wasteful spending.

In 2003, America made great progress in the War on Terror. Afghanistan, which once was ruled by the repressive Taliban regime, now has adopted a new constitution, taking a fundamental step on the path to democracy. In Iraq, the remnants of the Ba'athist regime are being systematically rounded up, and Iraqis are assuming responsibility for their own security and future government. Libya has pledged to disclose and dismantle all of the regime's weapons of mass destruction programs.

These victories do not change a fundamental truth: Our Nation remains at war. In this war, which began on September 11, 2001, our citizens are the strategic targets of our enemy. We have responded in two significant ways: First, we have taken the offensive to hunt down the terrorists, deny them easy refuge, identify and seize their secret finances, and hold them and their sponsors to account. Second, we have moved to secure the Nation's homeland. In 2003, the new Department of Homeland Security began operations in the biggest reorganization of the Federal Government in half a century. Over this past year, we have taken

steps to reduce the terrorist threat to Americans here at home, and protect American interests overseas. This Nation has committed itself to the long war against terror. And we will see that war to its inevitable conclusion: The destruction of the terrorists.

Our Budget reflects the continuing importance of providing for the defense and security of the American people. We will continue to provide whatever it takes to defend our country by fully supporting our military, which is performing with great skill and honor in our battles overseas. We also are providing the necessary resources to our law enforcement and emergency personnel at home to meet the new threats posed by terrorists.

Just as we have taken much-needed steps to strengthen our national security, we have also pursued an aggressive agenda to promote our economic security. In 2003, we worked with the Congress to accelerate much of the tax relief that had been passed in 2001, so that Americans could keep more of their paychecks and so that businesses would have more incentive to invest in new jobs and new equipment. As a result, our economy is strong, and growing stronger. Economic output in the third quarter rose at its fastest annual pace in nearly 20 years. More manufacturers reported rising factory activity than at any point in the last 20 years. American homeownership reached its highest level ever. Employment is on the rise. By cutting tax rates on investment gains and dividend payments, we promoted saving, capital formation, and investment—and Americans' holdings in the stock market rose by almost \$3 trillion.

There is still more to do, however. We cannot be satisfied until every American looking for work has found a job. We must sustain the momentum of this recovery by making the tax relief passed in 2001 and 2003 permanent. We will continue to open markets abroad for American products. And as the economy improves, we will also confront the challenge faced by workers who must learn new skills to fill new jobs. As a Nation, we must help Americans develop the skills they need to succeed in a highly competitive, highly productive economy. And so this budget continues to support high standards in our schools and proposes a Jobs for the 21st Century initiative to ensure older students and adults can gain the skills they need to find work now.

Economic growth and good stewardship of taxpayer dollars will help us meet another important priority: Cutting the budget deficit brought on by recession and war. We must continue to evaluate each Federal program, to make sure that it meets its goals, and produces the desired results. I propose to hold discretionary spending growth below four percent, less than the average rate of growth of American family incomes. And spending unrelated to defense and homeland security will be held below one percent growth—less

than the rate of inflation—while continuing to meet education, health care, and other priorities of this Nation. With this spending restraint and continue pro-growth economic policies, we can cut the deficit in half over the next five years.

Finally, this Budget addresses the needs of a great and compassionate Nation, whose values are strong, and whose institutions of hope are enduring. We are helping communities of faith pull the addicted out of dependency. We are lifting children out of a life of despair by making sure they have mentors, and we will continue to press for improvements in our schools, so that no child is left behind. We are extending hope and healing to millions suffering from the global epidemic of AIDS. We will begin to implement the benefits of our Medicare modernization and reform law, which will bring all our seniors coverage for prescription drugs. And we will make health care more affordable and extend the full benefits of our health care system to more Americans who currently have no health insurance.

Meeting these priorities will require hard work, skill, and the resources of a great Nation. Yet America has always risen to new challenges, and has always set new goals. Challenge and change have revealed the true strengths of this Nation and the enterprise of its people. And as 2004 begins, I am confident those gifts will serve us again, until our work is done.

GEORGE W. BUSH.  
THE WHITE HOUSE, February 2, 2004.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6008. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the implementation of the Performance-Based Incentive System; to the Committee on Health, Education, Labor, and Pensions.

EC-6009. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Fiscal Year 2003 Annual Report on Performance and Accountability; to the Committee on Health, Education, Labor, and Pensions.

EC-6010. A communication from the Director, Office of Exemption Determinations, Employee Benefits Security Administration, transmitting, pursuant to law, the report of a rule entitled "Class Exemption for the Release of Claims and Extensions of Credit in Connection with Litigation" (RIN1210-ZA03) received on January 13, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6011. A communication from the Chairman, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Fees" (RIN3141-AA16) received on January 13, 2004; to the Committee on Indian Affairs.

EC-6012. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to law, a report relative to the implementation of machine-readable

passports; to the Committee on the Judiciary.

EC-6013. A communication from the Under Secretary and Director, United States Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the 2002 Inter Partes Reexamination and other Technical Amendments to the Patent Statute" (RIN0561-AB57) received on January 13, 2004; to the Committee on the Judiciary.

EC-6014. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Exclusions from Income and Net Worth Computations" (RIN2900-AJ52) received on January 13, 2004; to the Committee on Veterans' Affairs.

EC-6015. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, Yolo-Solano Air Quality Management District" (FRL#7607-5) received on January 20, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6016. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Formaldehyde, polymer with a[bis(1-phenylethyl)phenyl]-w-hydroxypoly(oxy-1,2ethanediyl)-; Tolerance Exemption" (FRL#7340-9) received on January 20, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6017. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Copper (ii) Hydroxide; Exemption from the Requirement of a Tolerance" (FRL#7341-1) received on January 20, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6018. A communication from the Chairman, Commodity Futures Trading Commission, transmitting, pursuant to law, the fiscal year 2003 Federal Managers' Financial Integrity Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6019. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfuryl Fluoride; Pesticide Tolerance [Final Rule]" (FRL#7342-1) received on January 20, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6020. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lactic Acid, n-Butyl Ester, (S) and Lactic Acid, Ethyl Ester, (S); Exemption from the Requirement of a Tolerance [Final Rule]" (FRL#7338-4) received on January 20, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6021. A communication from the Secretary, LOCAL Television Loan Guarantee Board, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 2200 and 2201, LOCAL Television Loan Guarantee Program" (RIN0572-AB82) received on January 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6022. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Add Yucatan Peninsula to the List of Regions Considered Free of Exotic Newcastle Disease" (Doc. No. 02-036-2) received on January 27, 2004; to

the Committee on Agriculture, Nutrition, and Forestry.

EC-6023. A communication from the Chair, United States Access Board, transmitting, pursuant to law, a report relative to the Inspector General Act and the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-6024. A communication from the Chair, United States Access Board, transmitting, pursuant to law, a report relative to the Inspector General Act and the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-6025. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's Fiscal Year 2003 Inventory of Commercial Activities; to the Committee on Governmental Affairs.

EC-6026. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, a report relative to the Federal Managers' Fiscal Integrity Act of 1982 and the Inspector General Act of 1988; to the Committee on Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DORGAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. GRAHAM of Florida, Mr. DURBIN, Mr. DODD, Ms. COLLINS, Mr. LOTT, Mr. GRAHAM of South Carolina, and Mr. HAGEL)):

S. 2040. A bill to extend the date for the submittal of the final report of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes; to the Select Committee on Intelligence.

By Mr. MILLER:

S. 2041. A bill to provide that pay for Members of Congress be reduced following any fiscal year in which there is a Federal deficit; to the Committee on Governmental Affairs.

By Mr. GRAHAM of Florida:

S. 2042. A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 2043. A bill to designate a Federal building in Harrisburg, Pennsylvania, as the "Ronald Reagan Federal Building"; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 2044. A bill for the relief of Alemseghed Mussie Tesfamariam; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 2045. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 2046. A bill to authorize the exchange of certain land in Everglades National Park; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 2047. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain

former nuclear weapons program workers in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. REED, and Mr. CHAFEE):

S. Res. 295. A resolution congratulating the New England Patriots on their victory in Super Bowl XXXVIII; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 741

At the request of Mr. GREGG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 894

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 976

At the request of Mr. WARNER, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Connecticut (Mr. DODD), the Senator from Oregon (Mr. WYDEN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and

cataloging the many memorials and permanent tributes to America's veterans.

S. 1109

At the request of Mr. TALENT, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1109, a bill to provide \$50,000,000,000 in new transportation infrastructure funding through Federal bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, rail, transit, aviation, and water, and for other purposes.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

At the request of Mrs. DOLE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1630, *supra*.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1784

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1784, a bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

S. 1786

At the request of Mr. ALEXANDER, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. LEAHY), the Senator

from Iowa (Mr. HARKIN), the Senator from Michigan (Mr. LEVIN), the Senator from North Dakota (Mr. DORGAN), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New Jersey (Mr. CORZINE), the Senator from Oregon (Mr. SMITH), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Vermont (Mr. JEFFORDS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1786, a bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act.

S. 1813

At the request of Mr. LEAHY, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. 1949

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1949, a bill to establish The Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict reconstruction, and for other purposes.

S. 1999

At the request of Mr. DASCHLE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1999, a bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

S. RES. 170

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 170, a resolution designating the years 2004 and 2005 as "Years of Foreign Language Study".

S. RES. 292

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. Res. 292, a resolution designating the week beginning February 2, 2004, as "National School Counseling Week".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DORGAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. GRAHAM of Florida, Mr. DURBIN, Mr. DODD, Ms. COLLINS, Mr. LOTT, Mr. GRAHAM of South Carolina, and Mr. HAGEL)):

S. 2040. A bill to extend the date for the submittal of the final report of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes; to the Select Committee on Intelligence.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. LIEBERMAN. Mr. President, today Senator McCAIN and I are introducing legislation to extend the life of the National Commission on Terrorist Attacks Upon the United States so that it can complete its critically important investigation into the causes of the September 11th terrorist attacks, which claimed the lives of nearly 3,000 innocent people.

Under legislation Senator McCAIN and I authored in December 2001 to create the Commission, its final report was to have been completed by May 27, 2004. The Commission itself has asked for more time. So we are now proposing to extend that deadline until January 10, 2005 and to provide an additional \$6 million for the Commission to complete its work. Senator McCAIN and I are grateful to the Minority Leader, Senator DASCHLE, for joining us in this effort. We are also happy to have the support of Senators DORGAN, LAUTENBERG, CORZINE, GRAHAM, DURBIN, and DODD. In the House, Representatives FOSSELLA, SHAYS, HINCHEY and EMANUEL are expected to introduce companion legislation this week, and we welcome their support as well.

We want the Commission's final report to be as searching and complete as possible. We owe that to the memories of the 3,000 victims and their families. And we owe it to the Nation as a whole. In fact, our future security depends upon it.

George Washington once said we should look back "to derive useful lessons from past errors, and for the purpose of profiting by dear-bought experience." That is the precise mission of this Commission to better understand what went wrong so we can prevent such a catastrophic attack from ever happening again. The Commission simply needs more time to do that.

From the beginning, Senator McCAIN and I have been motivated by the experience of the families of victims of September 11. Above and beyond the grief of their losses, they have endured terrible pain in not knowing the whole account of how something so horrific could have happened to them and those they loved. It was a tribute to the power of the families' message that our legislation creating the Commission passed the Senate on September 24, 2002, by a resounding vote of 90-8. And it is a tribute to the enduring power of their message that Senator McCAIN and I are seeking this extension.

Last week, the Commission asked Congress for at least an additional 60 days to finalize its interviews, hearings, and report. The families, however, expressed concern that two months

may be an inadequate amount of time to accomplish all that must be done. They have called for a seven-and-a-half month extension so the Commission can conduct all the public hearings it had originally intended to hold, so that it can conduct thorough reviews of the President's daily intelligence briefings—a process barely underway—and so that it has the time to deal with the Administration's anticipated objections to declassifying material in the final report. Indeed, the Commissioners I asked have confirmed that they can benefit from more than the minimum two months requested.

I have therefore been convinced by the families and the Commissioners that the extra time is necessary. But I would also warn the Administration that this extension is not an excuse to engage in additional dilatory tactics.

I add this warning because the Bush Administration has a long record of opposing this Commission and an equally long record of making its work more difficult. Ever since Senator McCAIN and I first joined forces on this issue, we have faced White House intransigence. The President opposed the Commission for 10 months until the eve of a Senate vote he knew he would lose. During final negotiations over the details of the legislation, the White House negotiated to keep the Commission's duration as short as possible, rather than give it ample time to do a thorough job.

Once the Commission got underway, the Administration hampered the Commission's progress through slow document production and other stalling tactics, limiting the Commission's ability to proceed expeditiously with its investigation. Even now, the Administration is refusing to give the full Commission notes, taken by members of the Commission, that describe key White House documents. When one considers the obstacles generated by the White House, it is not in the least bit surprising that the Commission now needs additional time to finish the job.

I would note, however, that this extension does not preclude the Commission from releasing interim reports, as the original legislation establishing the Commission allows. Furthermore, the Commission is free to release its final report before the deadline, if it has completed its work. The Commission's hearings, questioning of witnesses, factual findings, and staff report issued last week proved exceptionally valuable in shedding light on some of the causes of the terrorist attacks. Future hearings and staff reports, no doubt, will continue to provide important new information about weaknesses in our defenses against terrorism.

Therefore, we encourage the Commission to continue to release its findings and recommendations as they become available, so that we can learn from the mistakes of our past as quickly as possible, and work harder to shore up existing vulnerabilities. Congress and

the relevant federal agencies have a duty to develop new strategies and capabilities to deter and prevent future terrorist attacks, and expeditious reporting by the Commission will help enormously.

Major systemic problems have already surfaced, for example, that can point us in the right direction, or maybe even an entirely new direction, to address an array of vulnerabilities, particularly in our law enforcement and intelligence communities. Allow me to cite just a few examples from the Commission's work thus far to illustrate how many hands we will need, laboring in unison, to patch the breaches that remain in America's domestic security:

1. An immigration official at Orlando International Airport, Mr. Melendez-Perez, testified that on August 4, 2001, he turned away and sent home a suspicious, unresponsive, and belligerent Saudi national holding a one-way ticket with no departure plans and insufficient funds to stay in the U.S. and purchase a ticket home. This individual claimed that he was to meet a friend at the airport but would not name the friend. It turned out that one of the 9/11 hijackers, Mohamed Atta, was at the airport on that day. Amazingly, neither the FBI nor anyone else from the intelligence community has ever debriefed Mr. Melendez-Perez, even though the immigration inspector informed the FBI of the incident immediately after the 9/11 terrorist attacks.

2. The excellent performance of Mr. Melendez-Perez demonstrated that a vigilant and well-trained officer can spot suspicious behavior in the course of a routine interview. But the Commission's hearings and reports also revealed how infrequently that occurs. Government officials admitted in public testimony that consular employees are not expected to screen for possible terrorists during interviews of visa applicants, nor are they trained to do so. The Commission discovered that many of the hijackers had passports that were fraudulently altered or had other suspicious indicators, but between 1992 and September 11, 2001, the federal government had not attempted to disseminate, to border security or other relevant employees, available information about the travel and passport practices of Al Qaeda or other terrorist groups. All of the hijackers' visa applications were incomplete, and several contained false statements that were easily identifiable. The hijackers entered the United States, often more than once, without incident, despite the fact that several of them had violated immigration law. Hijackers referred to secondary inspections for more detailed scrutiny were nevertheless admitted.

3. New information has been revealed about the abundant knowledge the intelligence community had about three of the 19 hijackers, who held a strategy session in Malaysia and were extensively tracked by U.S. and foreign intelligence services. The story fleshed



out by the Commission underscores the fact that not only did the government fail to share information that might have kept the terrorists out of the country, but they also failed to share information that might have exposed the terrorists' September 11th plot. That is why I have focused personal attention on the Terrorist Threat Integration Center and the Directorate for Information Analysis and Infrastructure Protection at DHS to make sure that these new centers are receiving all intelligence information, mixing it together with skilled and intense analysis, and warning the relevant state, local, and federal officials of emerging terrorist plots.

4. All the evidence that consolidated watch lists might have prevented entry to some of the terrorists notwithstanding, the watch lists still haven't been consolidated despite numerous Administration promises to do so. The Commission learned from the Federal Aviation Administration that, prior to September 11th, the no-fly list created for the airlines had only 12-20 names on it, whereas the terrorist watch list at the State Department had tens of thousands of terrorists' names. We also learned that the no-fly list and the larger terrorist watch list are still not equal in numbers and that there are still terrorists on the larger list who might be permitted to fly if they evade other detection.

These disclosures demonstrate the Commission is accomplishing its assignment, and so it must be allowed to complete its investigation. I am certain the Commission will use the extra months wisely to complete a thorough investigation, continue its public hearings, interview all relevant government officials and complete a comprehensive final report for release as soon as possible.

It is a basic American principle that we must learn from the past in order to secure a better future. Our ability to counter, prevent, and defend against the next terrorist attack on our homeland depends in no small part on the Commission's ability to bring satisfactory closure to its work. If we only give the Commission the time, resources, and cooperation it deserves, the Commission's full, fair, and unflinching assessment of what went wrong will be of immediate value to our national security. And it will be of lasting value to the American people, who will finally discover the unvarnished truth.

I urge the Senate to approve this legislation in a timely manner so that the victims' families and the rest of America may have some measure of peace.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2040

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. EXTENSION OF NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) EXTENSION.—Section 610(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 6 U.S.C. 101 note; 116 Stat. 2413) is amended by striking "18 months after the date of the enactment of this Act" and inserting "January 10, 2005".

(b) ADDITIONAL FUNDING.—Section 611 of that Act (6 U.S.C. 101 note; 116 Stat. 2413) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection (b):

"(b) ADDITIONAL FUNDING FROM THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.—In addition to the amounts made available to the Commission under subsection (a), of the amounts authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177) and available in the Department of Defense Appropriations Act, 2004 (Public Law 108-87) for the National Foreign Intelligence Program, not more than \$6,000,000 shall be available for transfer to the Commission for purposes of the activities of the Commission under this title."; and

(3) in subsection (c), as so redesignated, by striking "subsection (a)" and inserting "this section".

Mr. DASCHLE. Mr. President, the Democratic and Republican commissioners on the blue ribbon commission investigating the September 11, 2001 terrorist attacks reached an important and bipartisan decision. They decided they needed more time—more time to get access to the documents and people that can help us understand what happened on that fateful day; more time to analyze this information so they can help us identify which corrective measures are needed to reduce the prospects for future 9/11s; in short, more time to do what they are required to do by law.

I come to the floor today to talk briefly about my views on this commission and its work, and to explain why I have joined with Senators MCCAIN and LIEBERMAN to offer legislation to give the commission the time needed to complete its task and provide the families of the victims of 9/11 and all Americans with a complete and thorough report.

The importance of this commission's work cannot be overstated. This independent commission represents the last and perhaps best hope for our Nation to understand how 19 individuals were able to execute the most deadly terrorist attack on American soil in this Nation's long history.

How did these terrorists get into this country? What is the source of funding they used to carry out these activities? How did the hijackers get themselves, and apparently knives and mace, past airport security? How were they able to hijack four aircraft and drive them to such a deadly end? Why could our intelligence community and policymakers not do more to prevent these heinous acts? What can the Government and individual citizens do in the future to prevent similar attacks?

These are but some of the difficult questions the commission has to address. Given the importance of their task, one would think that all parties—

Democratic and Republican, Congress and the White House—would quickly agree to provide the commission whatever it needs.

Unfortunately, in the days immediately after the commissioners made their request, it became evident some parties may not believe the commission should be provided the time it needs to do what is required by law.

Quoting from the New York Times on January 28:

The White House and Republican congressional leaders have said they see no need to extend the congressionally mandated deadline . . . and a spokesperson for Speaker J. Dennis Hastert said . . . Mr. Hastert would oppose any legislation to grant the extension.

As unsettling as this position is, in hindsight, it should not be surprising to those who have followed the history of this commission. In the months immediately after the tragic events of September 11, 2001, President Bush and Vice President CHENEY personally appealed to me and to other Members of Congress not to establish a bipartisan blue ribbon commission.

Vice President CHENEY suggested to me that creating such an effort could detract from administration officials' efforts to get the terrorists responsible.

Fortunately, neither the families of the victims of 9/11 nor the American people accepted this argument. They understood, and properly in my view, that an independent investigation would enhance our efforts on the war on terror.

Far from endangering national security, an inquiry could actually help us pinpoint and correct flaws in our security and intelligence communities and identify the necessary corrective measures.

Despite the fact that the idea of a commission enjoyed the overwhelming support of the families of the victims and of the American people, the administration, and the House Republican leadership persisted in their efforts to see that this idea never took flight—in some instances, at the same time they were publicly professing their support for the commission.

For example, on the same day the White House spokesperson indicated President Bush supported the idea of a commission, his negotiators were on Capitol Hill vetoing a congressional agreement to establish one.

In October of 2002, the House and Senate Intelligence Committees announced they had reached a deal to include language to establish the commission in the intelligence authorization bill. The next day, the deal collapsed and negotiators involved laid the blame at the doorstep of the White House and the House Republican leadership.

According to the Washington Post, a senior Republican Senator said:

The House Republican leadership weighed in against [the deal] and the deal collapsed. . . . It is no secret that the White House works through the House Republican leadership.

Again, the families of the victims and supporters of the commission were not deterred. In fact, this commission would not exist were it not for the dedicated efforts of the families of the victims. They pressed on, and in November of 2002, they prevailed.

Congress passed the legislation creating the commission and the President signed it into law. The commission was given until May of 2004 to do its work. We all knew at the time that this deadline was both arbitrary and highly ambitious, given the scope of the work involved. Subsequent actions would make meeting this deadline impossible.

The commission was immediately embroiled in controversy over the selection and subsequent resignation of Henry Kissinger, who the President selected to chair its work. But the obstacles placed in front of this commission were just the beginning. In light of the sensitive nature of much of the information the commission would be examining, getting the commission high-level security clearances was the first priority.

However, for a variety of reasons, a process that could have taken weeks stretched into months, thereby preventing the commissioners from examining numerous important documents.

Then came open resistance from the Bush administration to commission requests for access to documents and individuals the commissioners deemed vital to their inquiry. The commission quickly became bogged down in negotiations over which documents and individuals it would have access to and under what terms and conditions.

Many agencies flat out refused to provide access. Others insisted the administration minders be present when the commission questioned Government employees.

The commission was forced to resort to subpoenas to obtain information from several Federal agencies, and press reports are actively considering issuing others.

As recently as this past week, it was reported that the administration is still placing roadblocks in front of the commission's vital work. Over the weekend, it was disclosed that the White House is refusing to allow the commission access to notes its own members have taken on briefings received by the President.

As a result of the administration's repeated failure to cooperate fully and immediately with the commission and its important work, it has become increasingly clear that it cannot fulfill the immense task placed before it and comply with the deadline imposed on it.

In order to meet this deadline, commissioners tell us they would have to cut corners. Scheduled hearings would have to be canceled. Interviews with key officials would have to be scrapped. Time to analyze their information and write their report would be short. All of these reasons led the com-

mission, wisely in my view, to request additional time. All of these reasons led me to join the families of the victims, as well as Senators McCAIN and LIEBERMAN, to conclude we must do everything possible to meet their requests.

I hope those who have opposed the commission and its work in the past will step aside. I hope they will allow us to provide the commission with the time it needs to give the families and America the report it deserves.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 2043. A bill to designate a Federal building in Harrisburg, Pennsylvania, as the "Ronald Reagan Federal Building"; to the Committee on Environment and Public Works.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation, along with Senator SANTORUM, to honor former President Ronald Reagan by naming the Federal Building and Courthouse in Harrisburg, PA, in his name.

President Ronald Reagan was a watershed force in 20th Century history. He was a master diplomat and statesman, largely responsible for winning the Cold War. His summits with former Soviet leader Mikhail Gorbachev were tours de force of negotiation and stagecraft. He was called "the great communicator" for good reason. He conveyed his message with power and precision, often convincing even his staunchest opponents to see things his way. His talents and his touch helped rally a Democrat-controlled Congress to support much of his legislative agenda, including bold fiscal reforms—defying conventional wisdom that predicted more partisan stalemate. He ran for President on the slogan "Morning in America"—and delivered.

President Reagan also took bold steps on the social front. By transferring power from Washington to the States and cities, he showed that local governments can be laboratories for a wide range of public-policy experiments—with greater flexibility and sensitivity. The approach was in line with his general push from big government toward individual liberty.

To some, Ronald Reagan's greatest legacy was strengthening our national defense. The Berlin Wall toppled, it seemed, directly from his call, "Mr. Gorbachev, Tear Down This Wall!" The invasion of Grenada rescued American students and resulted in the overthrow of a Marxist government. His vision for a national missile defense system is leading to greater security for all of us.

President Reagan showed courage and charisma, even in crisis. As he was about to undergo surgery to remove a bullet that lay an inch from his heart, he told his wife, "Honey, I forgot to duck." The next morning, the President met with aides in his hospital room and signed a bill into law.

For these reasons and many more, I urge my colleagues to join us in be-

stowing this honor upon this great American.

By Mrs. BOXER:

S. 2045. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

Mrs. BOXER. Mr. President, today I am introducing the Secure and Verifiable Electronic Voting Act of 2004.

The 2000 presidential election exposed a number of serious problems with the accuracy and fairness of election procedures in this country, as well as the reliability of certain types of voting technology. As a result of these irregularities, many eligible voters were effectively disenfranchised and thus deprived of one of their most fundamental rights. This is not acceptable in a democracy such as ours.

Our constituents demanded better and we responded.

In 2002, Congress passed the Help America Vote Act (HAVA). This important legislation sets Federal minimum standards for voting systems, including requiring that the equipment used is reliable, accurate, and accessible to all. It encourages the use of direct recording electronic voting systems to replace the outdated punch card and lever machines. It also requires that voting systems provide voters the opportunity to correct errors and that they produce a permanent record with a manual audit capacity.

However, HAVA does not go far enough. As we move our voting systems into the 21st century, we need to ensure the greatest level of accountability possible. Voters need to have confidence in the technology that they're using, and they need to be assured that their votes will be counted exactly as they are cast. It is imperative that any voting system certified by the Federal Government provides these assurances.

In my home State of California, we are already using touch-screen voting machines in some areas—28 percent of the precincts by the March primary. But, these machines currently do not leave any paper trail and cannot be verified for complete accuracy. We need an electronic voting system that is modern, secure, and verifiable. The State of California is taking these steps. Secretary of State Kevin Shelley has required the use of voter-verified paper audit trails and safety measures, such as manufacturer security, local testing of machines, and random audits of system software. These practices need to be in place nationwide.

My bill, the Secure and Verifiable Electronic Voting Act—the SAVE Voting Act—would require that a voter-verified paper trail for each vote cast be in place for the November 2004 elections. What that means is this: after an individual votes, he or she will have the opportunity to review the vote on a

piece of paper, before it becomes part of the official record. If there is a discrepancy, the voter will have an opportunity to change his or her vote before it is recorded in the official record. This paper record will then be the official permanent record used for any recount or verification.

The SAVE Voting Act would also create greater security standards by making sure that access to the software is limited to approved personnel who have had background checks. It would require that any software used is not transmitted over the Internet, that the Election Assistance Commission certifies any and all software used in voting systems, and that the certified code be made available to the public for review. These security measures help to ensure, up front, that the electronic voting systems we use are safeguarded.

The SAVE Voting Act would ensure that a permanent paper record is truly, a permanent paper record by banning the use of thermal paper. Thermal paper has many flaws, including the potential to fade or receive unintended marks, making the vote illegible.

Finally, recognizing the current cashed-strapped plight of the States, my legislation would provide immediate financial assistance to States to help cover the cost of adding printers to electronic voting systems.

In a democracy, the vote of every citizen counts. We must make sure that every citizen's vote is counted—and counted accurately and fairly so that the American people have confidence in the results. HAVA was a good first step. The SAVE Voting Act is the next step, and I encourage my colleagues to join me in this effort.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 2046. A bill to authorize the exchange of certain land in Everglades National Park; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, I rise today to introduce a bill with my colleague from Florida, Senator NELSON. Our bill is non-controversial and will allow the Department of the Interior and the South Florida Water Management District to perform a land exchange for the purpose of constructing the C-111 Spreader Canal Project under the Comprehensive Everglades Restoration Plan, known as CERP. Both the Department of the Interior and the State of Florida have approved the language of the bill, and Senator NELSON and I hope to expedite passage of the bill through the Energy and Natural Resources Committee and the full Senate.

CERP, which was authorized in the Water Resources Development Act of 2000, is the framework that guides our efforts to restore America's Everglades. It consists of over 60 major projects that will restore Everglades National Park and other areas of the greater Everglades ecosystem. The C-

111 Spreader Canal Project is just one of the 60 component projects of CERP. The C-111 project will provide important environmental benefits to the Southern Glades and Model Lands and more natural sheet flow to Florida Bay while maintaining flood protection for surrounding agricultural and urban areas.

I am also pleased to report that Congressman MARIO DIAZ-BALART, who represents the relevant congressional district, and Congressman JIM DAVIS will introduce a companion bill in the House of Representatives.

2004 marks the beginning of the fourth year of CERP implementation and Everglades restoration. We have been hard at work getting through phase one—the planning and organizational phase of such an historic and monumental restoration project. We have now entered into phase two—building the projects that will deliver water to the Everglades and revive the dying ecosystem. As we continue to make progress on what has always been a bipartisan and bicameral project, I want to thank my colleagues for their support for the restoration of America's Everglades. I look forward to our continued work together to bring the River of Grass back to its former glory as the crown jewel of the national parks system.

By Mr. BOND:

S. 2047. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, I rise today to introduce legislation that will designate the former Mallinkrodt Nuclear Production Facilities in Missouri as a Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) of 2000. These facilities, which handled and processed highly radioactive materials during the Cold War, are located in Downtown St. Louis, Weldon Springs in St. Charles County, and Hematite in Jefferson County, MO respectively.

Energy workers at these sites handled and processed highly radioactive materials during the Cold War as part of the Manhattan Project and our nation's ongoing Atomic Weapons Program. The St. Louis Downtown or "Destrahan" Site operated from 1942 through 1958. From there, operations and most Mallinkrodt workers were moved out to the Weldon Springs Facility which operated until 1958. After that, work continued at the Hematite Facility in Jefferson County until 1969.

This legislation would add these facilities to the four existing Special Exposure Cohort (SEC) Sites across the country, which were written into the original EEOICPA. In addition to des-

ignating the existing SEC sites, the EEOICPA set up a process to add additional sites to the SEC list provided those sites meet certain criteria.

A Special Exposure Cohort (SEC) is comprised of a group of employees with specific cancers who worked at four specific nuclear facilities or participated in certain nuclear weapons tests, and who met other requirements under the EEOICPA. An SEC designation would provide former workers at these sites or their survivors with expedited compensation as opposed to requiring these workers to participate in the long, complex and cumbersome bureaucratic process known as dose reconstruction.

According to the National Institute of Occupational Safety and Health (NIOSH), there are two key statutory determinations required for adding a class of employees to the SEC. The first requirement is that it is not feasible to estimate with sufficient accuracy the radiation dose that the class of employees received. The second requirement is that there is a reasonable likelihood that such a radiation dose may have endangered the members of this class. After extensive research, which included several briefings with NIOSH, the Department of Energy, independent experts and former Mallinkrodt workers, I believe that there is strong evidence indicating that both statutory requirements for the SEC have been met with regard to the Mallinkrodt Sites.

In mid 2001, the Department of Energy (DOE) released a report indicating for the first time that the highly radioactive material plutonium was processed at the Weldon Springs Site. The report also stated that recycled uranium, another highly radioactive material, was processed at the site. Furthermore, in its recently completed site profile for the St. Louis Downtown Site, NIOSH admits that they have virtually no records or monitoring data on the workers at the site prior to 1948. NIOSH also stated that this could be a problem in calculating individual dose, thus requiring some assumptions to be made.

Both of the aforementioned issues, the presence of plutonium and the loss or destruction of individual monitoring records were reasons for writing the four existing SEC sites into the original EEOICPA.

In addition to these issues, long sought after documents from the former Chief Safety Officer for the Atomic Energy Commission (AEC) during the time described the Mallinkrodt St. Louis facility as one of the two worst plants with respect to worker exposures. Workers at this plant were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to as much as 200 times the preferred levels of exposure. NIOSH confirmed these intense levels at a recent presentation on the Mallinkrodt-St. Louis Site Profile

when it described the operations at this plant as a "messy" or "dirty" operation in terms of levels of radionuclides present.

Finally, NIOSH has informed claimants who worked at these sites or their survivors that if they are not interviewed as a part of the dose reconstruction process, it would "hinder" NIOSH's ability to conduct dose reconstruction for the claimant and may result in a dose reconstruction that "incompletely or inaccurately" estimates the radiation dose to which the energy employee named in the claim was exposed. So NIOSH is basically saying that they are relying on a former worker's memory or any information a survivor might have. What if the former worker cannot remember what he was exposed to or was never told? What if the survivor has no idea as to what materials the claimant might have been exposed? Keep in mind. Most of this happened anywhere from 40–60 years ago.

All of the previously mentioned points are evidence that the health of these workers was endangered and that an accurate dose reconstruction is not feasible. Therefore, I believe that the Mallinkrodt sites in Missouri should be designated as a Special Exposure Cohort.

To make matters even worse, the Department of Health and Human Services first published the Notice of Proposed Rulemaking (NPRM) concerning the Special Exposure Cohort on June 25, 2002, and as of today, January 27, 2004, this rule has yet to be finalized. Many of these former Mallinkrodt workers have died while waiting for the proposed SEC rule to be finalized, including some claimants who were waiting for dose reconstruction to be started or completed.

This is simply unacceptable! The EEOICPA was intended to provide long overdue compensation to these workers within a reasonable period of time. These brave workers answered the call and helped our nation win the Cold War. It is now time for our nation to help them and provide them with the immediate compensation that they deserve.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2047

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress finds that—

(1) energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility, the Weldon Springs facility, and the Hematite facility) were exposed to levels of radio nuclides and radioactive materials that were much greater than the current maximum allowable Federal standards;

(2) the Mallinkrodt workers at the St. Louis site were exposed to excessive levels of

airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure;

(3)(A) the chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures;

(B) workers were excreting in excess of a milligram of uranium per day causing kidney damage; and

(C) a recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts;

(4) the Department of Energy has admitted that those workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials;

(5) the Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive;

(6) the National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radio nuclides; and

(B) the Institute has virtually no personal monitoring data for workers prior to 1948;

(7) the National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed;

(8) the Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of January 27, 2004, the rule has yet to be finalized; and

(9) many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

#### SEC. 2. DEFINITION OF MEMBER OF THE SPECIAL EXPOSURE COHORT.

Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) The employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958, the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966, and the Hematite facility during any of calendar years 1958 through 1969), and during the employment—

"(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

"(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to tritium radiation; or

"(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards

of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility."

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 295—CONGRATULATING THE NEW ENGLAND PATRIOTS ON THEIR VICTORY IN SUPER BOWL XXXVIII

Mr. KENNEDY (for himself, Mr. KERRY, Mr. REED, and Mr. CHAFEE) submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas, on Sunday, February 1, Adam Vinatieri of the New England Patriots kicked the winning field goal with seven seconds remaining in the game to defeat the Carolina Panthers by the score of 32–29 in Super Bowl XXXVIII in Houston, Texas;

Whereas this victory is the second Super Bowl championship won by the Patriots in the past three years;

Whereas quarterback Tom Brady led the Patriots to victory in both those years, and was named Super Bowl Most Valuable Player in both years;

Whereas both of the Super Bowl victories were earned by the Patriots in the final seconds of the game on a field goal by Mr. Vinatieri;

Whereas the Patriots tied an NFL record by winning 15 consecutive games in the recent season;

Whereas Patriots Head Coach Bill Belichick and Assistant Coaches Romeo Crennel and Charlie Weiss brilliantly created successful game plans throughout the season, and Mr. Belichick was named the Coach of the Year in the National Football League;

Whereas extraordinary efforts by other Patriots players including Deion Branch, Troy Brown, David Givens, Ty Law, Willie McGinest, Richard Seymour, Antowain Smith, Mike Vrabel, and Ted Washington also contributed to the Super Bowl victory;

Whereas the New England Patriots offensive linemen, Matt Light, Joe Andruzzi, Dan Koppen, Russ Hochstein, and Tom Ashworth deserve great credit for protecting quarterback Tom Brady and for allowing no sacks of the quarterback in the Super Bowl game or in any of the other games in the post-season playoffs; and

Whereas Patriots owner Bob Kraft deserves great credit for his strong support of the team, and for his acknowledgement that the Super Bowl victory would not have been possible without the strong support of the millions of fans from New England.

*Resolved*, that the Senate of the United States congratulates the New England Patriots on winning Super Bowl XXXVIII.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 4, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on the President's Fiscal Year 2005 Budget Request.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

## SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, February 5, 2004, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: H.R. 1446 and S. 1306, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes; and H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National memorial in the State of Pennsylvania, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Pete Lucero at (202) 224-6293.

## PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "DOD Contractors Who Cheat on Their Taxes and What Should Be Done About It." The Subcommittee's hearings will examine Department of Defense (DOD) contractors who are abusing the Federal tax system by either failing to file tax returns or not paying their taxes. A recently completed General Accounting Office review of DOD contractors found that 27,100 contractors owed \$3 billion in back taxes. The purpose of the hearing is to identify the corrective actions that can be taken to ensure that DOD contractors pay the taxes they owe the Federal Government.

The hearings will take place on Thursday, February 12, 2004, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

## SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests for the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 12, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1421, to authorize the subdivision and dedication of restricted land owned by Alaska Natives; S. 1466, to facilitate the transfer of land in the State of Alaska, and for other purposes; S. 1649, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; and S. 1910, to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts 202-224-7545.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Monday, February 2, 2004; to reconsider, pursuant to a unanimous consent agreement on October 1, 2003 the Chairman's Mark entitled, National Employee Savings and Trust Equity Guarantee Act. The Committee will also consider a Chairman's Mark entitled, Extension of Highway Trust Fund Provisions; and, S. 882, the Tax Administration Good Government Act of 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. INHOFE. Madam President, I ask unanimous consent to grant floor privileges to the following fellows for the duration of floor consideration of the bill:

Gregory Murrill, Heideh Shahmoradi, Laura Berry, Mitch Surrent, John Stooddy, Wendy Parker, and William Boyd.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONGRATULATING THE NEW ENGLAND PATRIOTS

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 295, submitted earlier today by Senators KENNEDY, KERRY, REED, and CHAFEE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 295) congratulating the New England Patriots on their victory in Super Bowl XXXVIII.

There being no objection, the Senate proceeded to consider the resolution.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, backed by the heartiest fans in the world, the New England Patriots are once again the greatest football team in the Nation. I want to join so many others in commending the Patriots for their marvelous and miraculous season, in which the team overcame injuries and a slow start to end up with a fifteen-game winning streak and a second Super Bowl championship in three years. From the wise stewardship of Bob Kraft and Bill Belichick to the Tom Brady-led offense and the Ty Law-led defense, the Patriots are a team in the fullest sense of the word. Congratulations also to the Carolina Panthers, who mad Super Bowl XXXVIII one of the most memorable season-ending games in U.S. professional sports history. •

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. REED. Mr. President, on February 1, 2004, the New England Patriots defeated the Carolina Panthers, 32-29 in what has been already called one of the most exciting Super Bowls of all time. I commend the Patriots players, coaches and management for a thrilling victory. These Patriots have been a testament to successful teamwork, setting a wonderful example of self-sacrifice and unity, and showing us all what is possible when we work together, believe in each other, and collaborate for the greater good. The Patriots' embodiment of the team concept was needed to overcome the tenacious Carolina Panthers, who came back again and again in a spectacular effort.

The hard-earned victory in Super Bowl XXXVIII, the second in 3 years for the Patriots, was also their 15th consecutive win, putting the team in elite company as one of the greatest teams in NFL history. Amazingly, once again the New England region, and indeed, the entire country, were held on the edge of their seats as the Patriots kicker, Adam Vinatieri, won the game on a last second field goal. Indeed, Vinatieri has been a friend to my home State of Rhode Island, active in the Rhode Island Coalition Against Domestic Violence, D.A.R.E., and as a spokesperson for the Blue Cross & Blue Shield of Rhode Island's Teen Anti-Smoking Contest.

This Patriots team was led all season by their coach, Bill Belichick, who has masterminded victory after victory by stressing preparation, team work and adaptation. In the championship game the Patriots defense, arguably the team's best asset, was led by Ty Law,

Mike Vrabel, Tedy Bruschi and the veteran Willie McGinest. Vrabel was particularly impressive as an "Ironman" playing on the offense and scoring a touchdown.

The Patriots offense was led by the Super Bowl MVP Tom Brady who time after time led his team back until finally placing them in position to win. Brady was helped on offense by clutch performances from Troy Brown, Deion Branch, Kevin Faulk and Antowain Smith. Ultimately it was the Patriots offense, cool under the pressure, that brought them a hard earned victory.

Let me also acknowledge a Rhode Island native on the New England team. A former Boston College standout, running back Mike Cloud, was an important part of the Patriots' winning season, scoring five touchdowns and making critical plays. Cloud is a former Rhode Island Player of the Year and long before he helped the Patriots win their second Super Bowl, he helped lead Portsmouth High School to three consecutive Rhode Island Class A Championships. I am proud that he has had the opportunity to represent our State and play an important role in this victory.

Once again, my congratulations to the New England Patriots and their fans on their Super Bowl victory. •

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 295

Whereas, on Sunday, February 1, Adam Vinatieri of the New England Patriots kicked the winning field goal with seven seconds remaining in the game to defeat the Carolina Panthers by the score of 32-29 in Super Bowl XXXVIII in Houston, Texas;

Whereas this victory is the second Super Bowl championship won by the Patriots in the past three years;

Whereas quarterback Tom Brady led the Patriots to victory in both those years, and was named Super Bowl Most Valuable Player in both years;

Whereas both of the Super Bowl victories were earned by the Patriots in the final seconds of the game on a field goal by Mr. Vinatieri;

Whereas the Patriots tied an NFL record by winning 15 consecutive games in the recent season;

Whereas Patriots Head Coach Bill Belichick and Assistant Coaches Romeo Crennel and Charlie Weiss brilliantly created successful game plans throughout the season, and Mr. Belichick was named the Coach of the Year in the National Football League;

Whereas extraordinary efforts by other Patriots players including Deion Branch, Troy

Brown, David Givens, Ty Law, Willie McGinest, Richard Seymour, Antowain Smith, Mike Vrabel, and Ted Washington also contributed to the Super Bowl victory;

Whereas the New England Patriots offensive linemen, Matt Light, Joe Andruzzi, Dan Koppen, Russ Hochstein, and Tom Ashworth deserve great credit for protecting quarterback Tom Brady and for allowing no sacks of the quarterback in the Super Bowl game or in any of the other games in the post-season playoffs; and

Whereas Patriots owner Bob Kraft deserves great credit for his strong support of the team, and for his acknowledgement that the Super Bowl victory would not have been possible without the strong support of the millions of fans from New England.

*Resolved*, That the Senate of the United States congratulates the New England Patriots on winning Super Bowl XXXVIII.

### NATIONAL SCHOOL COUNSELING WEEK

#### NATIONAL MENTORING MONTH

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from further consideration of S. Res. 292 and S. Res. 294, and that the Senate proceed to their consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 292) designating the week beginning February 2, 2004, as National School Counseling Week.

A resolution (S. Res. 294) designating January 2004 as National Mentoring Month.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the resolutions and preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc and that any statements relating thereto be printed in the RECORD, the above occurring with no intervening action or debate, with the consideration of these items appearing separately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 292 and S. Res. 294) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

#### S. RES. 292

Whereas the American School Counselor Association has declared the week beginning February 2, 2004, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the American education system must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors were instrumental in helping students, teachers, and parents deal with the trauma of terrorism inflicted on the United States on September 11, 2001, and its aftermath;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are usually the only professionals in a school building that are trained in both education and mental health;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 485 to 1 is more than double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of "National School Counseling Week" would increase awareness of the important and necessary role school counselors play in the lives of the Nation's students: Now, therefore, be it

*Resolved*,

#### SECTION 1. DESIGNATION OF NATIONAL SCHOOL COUNSELING WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning February 2, 2004, as "National School Counseling Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning February 2, 2004, as "National School Counseling Week"; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform within the school and the community at large to prepare students for fulfilling lives as contributing members of society.

#### S. RES. 294

Whereas mentoring is a strategy for motivating and helping young people succeed in life, by bringing them together in structured and trusting relationships with caring adults who provide guidance, support, and encouragement;

Whereas mentoring offers a supportive environment in which young people can grow, expand their vision, learn necessary skills, and achieve a future that the young people never thought possible;

Whereas a growing body of research shows that mentoring benefits young people in numerous ways, through improvements in school performance and attendance, self-confidence, attitudes and relationships with adults, and motivation to reach their potential;

Whereas mentoring is an adaptable, flexible approach that can be tailored to focus on helping young people with academics, social skills, career preparation, or leadership development;

Whereas over 15,000,000 young people in this Nation still need mentors, falling into a "mentoring gap";

Whereas mentoring relies principally on volunteer mentors, so mentoring programs



must recruit even more volunteers in order to expand their program to help more young people;

Whereas, in an effort to begin closing the mentoring gap, this year Congress has significantly increased Federal grant funding for local mentoring organizations to \$100,000,000;

Whereas the recipients of these grants and other entities carrying out mentoring programs all across the country will need an influx of volunteers to meet the growing demand for mentoring;

Whereas nonprofit groups and leading media companies have joined together to designate January 2004 as National Mentoring Month to recruit more mentors for young people; and

Whereas the month-long celebration of mentoring will encourage more adults to volunteer their time as mentors for young people and enlist the involvement of nonprofit organizations, schools, businesses, faith communities, and government agencies in the mentoring movement: Now, therefore, be it

*Resolved*, That the Senate—

(1)(A) designates the month of January 2004 as “National Mentoring Month”; and

(B) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with mentoring;

(2) praises individuals who are already giving their time to mentor young people; and

(3) supports efforts to recruit more adults as mentors, in an effort to close the Nation’s mentoring gap.

#### MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 2003

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 424, S. 1879, relating to mammography quality standards.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1879) to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

There being no objection, the Senate proceeded to consider the bill.

Ms. MIKULSKI. Mr. President, I am pleased that today the Senate will pass the Mammography Quality Standards Reauthorization Act of 2003, S. 1879. I am pleased to be sponsoring this bill with Senator ENSIGN and our bipartisan cosponsors. This important bill is about saving lives. That’s what the Mammography Quality Standards Act (MQSA) does. Accurate mammograms detect breast cancer early, so women can get treatment and be survivors.

Mammography is not perfect, but it is the best screening tool we have now. I authored MQSA over 10 years ago to improve the quality of mammograms so that they are safe and accurate. Before MQSA became law, there was an uneven and conflicting patchwork of standards for mammography in this country. There were no national quality standards for personnel or equipment. Image quality of mammograms

and patient exposure to radiation levels varied widely. The quality of mammography equipment was poor. Physicians and technologists were poorly trained. Inspections were lacking.

MQSA set Federal safety and quality assurance standards for mammography facilities for: personnel, including doctors who interpret mammograms; equipment; and operating procedures. By creating national standards, Congress helped make mammograms a more reliable tool for detecting breast cancer. In 1998, Congress improved MQSA by giving information on test results directly to the women being tested, so no woman falls through the cracks because she never learns about a suspicious finding on her mammogram. Now it is time to renew MQSA and lay the foundation to strengthen it even further.

The bill passed by the Senate today will extend MQSA for 2-years. This 2-year reauthorization of MQSA is important. It will give Congress an opportunity to consider in the next reauthorization expert recommendations from an Institute of Medicine, IOM, study and a General Accounting Office, GAO, report on several issues related to MQSA. I have been working with the Labor, Health and Human Services, HHS, and Education Appropriations Subcommittee to get these studies underway. The IOM study was included in the fiscal year 2004 omnibus appropriations bill. The HELP Committee also heard testimony in support of a 2 year reauthorization at its hearing last year on MQSA.

This legislation is also supported by groups including the American Cancer Society, the Susan G. Komen Breast Cancer Foundation, the National Alliance of Breast Cancer Organizations, Y-ME National Breast Cancer Organization, and the American College of Radiology Association.

I thank Senators GREGG and KENNEDY for their support and help in moving this legislation through the Senate. I hope that the House will move quickly to pass this important bill. It is estimated that over 217,400 new cases of breast cancer will be diagnosed and over 40,500 breast cancer deaths will occur in the United States this year. Early detection and treatment are important to reducing breast cancer deaths. Congress should pass this bill to reauthorize MQSA and extend this valuable program that helps save the lives of women and men with breast cancer.

Mr. ALEXANDER. On behalf of the leader, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1879) was read the third time and passed, as follows:

S. 1879

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Mammography Quality Standards Reauthorization Act of 2003”.

#### SEC. 2. TEMPORARY RENEWAL AND LIMITED PROVISIONAL CERTIFICATE.

Section 354 of the Public Health Service Act (42 U.S.C. 263b) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “or a temporary renewal certificate” after “certificate”; and

(ii) in clause (i), by striking “subsection (c)(1)” and inserting “paragraphs (1) or (2) of subsection (c)”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting “or a limited provisional certificate” after “certificate”; and

(ii) in clause (i), by striking “subsection (c)(2)” and inserting “paragraphs (3) and (4) of subsection (c)”;

(C) in the flush matter at the end, by striking “provisional certificate” and inserting “temporary renewal certificate, provisional certificate, or a limited provisional certificate”; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (4); and

(B) by inserting after paragraph (1) the following:

“(2) TEMPORARY RENEWAL CERTIFICATE.—The Secretary may issue a temporary renewal certificate, for a period of not to exceed 45 days, to a facility seeking reaccreditation if the accreditation body has issued an accreditation extension, for a period of not to exceed 45 days, for any of the following:

“(A) The facility has submitted the required materials to the accreditation body within the established time frames for the submission of such materials but the accreditation body is unable to complete the reaccreditation process before the certification expires.

“(B) The facility has acquired additional or replacement equipment, or has had significant personnel changes or other unforeseen situations that have caused the facility to be unable to meet reaccreditation timeframes, but in the opinion of the accreditation body have not compromised the quality of mammography.

“(3) LIMITED PROVISIONAL CERTIFICATE.—The Secretary may, upon the request of an accreditation body, issue a limited provisional certificate to an entity to enable the entity to conduct examinations for educational purposes while an onsite visit from an accreditation body is in progress. Such certificate shall be valid only during the time the site visit team from the accreditation body is physically in the facility, and in no case shall be valid for longer than 72 hours. The issuance of a certificate under this paragraph, shall not preclude the entity from qualifying for a provisional certificate under paragraph (4).”.

#### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Subparagraphs (A) and (B) of section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)(A) and (B)) are amended by striking “2002” each place it appears and inserting “2005”.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader,

pursuant to Public Law 108-132, Section 128, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Major General Lewis E. Curtis III, USAF (Retired).

#### ORDERS FOR TUESDAY, FEBRUARY 3, 2004

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Tuesday, February 3. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then conduct a period of morning business until 10:30 a.m., with 30 minutes under the control of Senator GRAHAM of Florida and the remaining time under the control of the majority leader.

I further ask that the Senate stand in recess from 12:30 until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. ALEXANDER. On behalf of the leader, for the information of all Senators, tomorrow, at 10:30 a.m., the Senate will begin consideration of S. 1072, the highway bill. The bill managers will be here at 10:30 tomorrow morning, ready to work through opening statements and to begin the amendment process. Votes are possible during tomorrow's session.

Mr. REID. Mr. President, if my friend will yield, the opening statements have been pretty well completed. Senator INHOFE has given one, I have given one, Senator JEFFORDS has given one, and Senator BOND. We are the ones moving this bill through the Senate.

I hope everyone within the sound of our voices will understand, if people have statements that should be given on the bill, they should come forward and give them. Otherwise, I hope those with amendments can come forward and offer amendments.

I say to the Senate that we have a relatively short period of time to finish this bill. It is a very big bill, \$255 billion, but the majority leader and the minority leader have indicated that we have only this week and next week to complete this most important legislation.

I say through the Chair to the distinguished acting majority leader, formerly Governor of one of the very big States population-wise in our country, Tennessee—a Governor understands more than anyone else, I believe, the importance of these highway moneys and what they mean to a State—if we don't finish this now and have to go to another year-long bill, it totally interferes with the ability of the highway planners to do their work.

I hope everyone understands that we have just a short period of time to complete this bill and that everyone will come forward if they have some problems with the bill, and if they want to change it some way, they can move on it as quickly as possible.

#### ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. ALEXANDER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Tuesday, February 3, 2004, at 9:45 a.m.

#### NOMINATIONS

Executive nominations received by the Senate February 2, 2004:

##### NATIONAL INSTITUTE OF BUILDING SCIENCES

WILLIAM HARDIMAN, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2006, VICE H. TERRY RASCO, TERM EXPIRED.

##### DEPARTMENT OF THE INTERIOR

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE WILLIAM GERRY MYERS III, RESIGNED.

##### NATIONAL INSTITUTE FOR LITERACY

WILLIAM T. HILLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006. (REAPPOINTMENT)

JUAN R. OLIVAREZ, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006. (REAPPOINTMENT)

##### UNITED STATES INSTITUTE OF PEACE

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007. (REAPPOINTMENT)

##### NATIONAL INSTITUTE FOR LITERACY

RICHARD KENNETH WAGNER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006, VICE ROBIN MORRIS, TERM EXPIRED.

##### UNITED STATES PAROLE COMMISSION

ISAAC FULWOOD, JR., OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE MICHAEL JOHNSTON GAINES, RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be colonel

DWIGHT R. BRASWELL, 0000  
JAMES N. CUTTER, 0000  
JEFFREY G. GUILD, 0000  
GERALD A. HOUGE, 0000  
BOBBY V. PAGE, 0000  
HOWARD D. STENDAHL, 0000  
KAREN H. STOCKS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be colonel

PAUL N. AUSTIN, 0000  
ELIZABETH J. BRIDGES, 0000  
LORIE J. CAPPELLINO, 0000  
KIMBERLY S. COX, 0000  
NANCY A. DEZELL, 0000  
KONNIE M. DOYLE, 0000  
NORMAN J. FORBES, 0000  
KATHRYN E. HALL, 0000  
SUSAN R. HALL, 0000  
JOANNE HENKENIUSKIRSCHBAUM, 0000  
HARVEY K. HILLIARD, 0000  
BARBARA J. JEFFTS, 0000  
THOMAS F. LANGSTON, 0000  
SOLEAD LINDOMON, 0000  
THERESE M. NEELY, 0000  
JULIA E. NELSON, 0000  
JOEL D. RAY, 0000

TERRI J. REUSCH, 0000  
CASSANDRA R. SALVATORE, 0000  
JUDITH SCHAFER, 0000  
ANGELA L. THOMPSON, 0000  
FRANK B. THORNBURG III, 0000  
FLORENCE A. VALLEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be colonel

EDWARD ACEVEDO, 0000  
PAUL C. ACKERMAN, 0000  
DARRELL E. ADAMS, 0000  
DELANE A. ABANG AGUILAR, 0000  
FRANK ALBANESE, 0000  
RENITA D. ALEXANDER, 0000  
KEITH R. ALLFORD, 0000  
JOHN V. ALLISON JR., 0000  
DAVID W. ALLVIN, 0000  
MARK B. ALSID, 0000  
TRACY A. AMOS, 0000  
CRAIGEN B. ANDERSON, 0000  
WARREN M. ANDERSON, 0000  
JEFFERY S. ANTES, 0000  
JAMES H. APPELYARD JR., 0000  
MICHAEL G. ARCHULETA, 0000  
MATTHEW H. ARENS, 0000  
JONATHAN A. ARNOLD, 0000  
STEVE ASHER, 0000  
BALAN R. AYYAR, 0000  
MICHAEL R. BABCOCK, 0000  
DONALD J. BACON, 0000  
MARK A. BAGGETT, 0000  
PENNY H. BAILEY, 0000  
JEFFREY A. BAKER, 0000  
MARK A. BAKER, 0000  
SID P. BANKS, 0000  
JAMES L. BAREFIELD II, 0000  
WILLIAM R. BARRETT, 0000  
BRYAN D. BARTLES, 0000  
WILLIAM L. BASSETT, 0000  
JAMES B. BEARDEN, 0000  
ROBERT A. BEARDSLEE, 0000  
KRISTIN D. BEASLEY, 0000  
JOSEPH D. BECKER, 0000  
MICHAEL G. BEDARD, 0000  
ERIC A. BEENE, 0000  
DAVID C. BENDALL, 0000  
ALEX J. BENEFIELD, 0000  
DONALD H. BERCHOFF, 0000  
ROBERT J. BERTINO, 0000  
ERIC H. BEST, 0000  
SANDRA R. BIGNELL, 0000  
GUILLERMO A. BIRMINGHAM, 0000  
DOUGLAS S. BLACK, 0000  
FRANCINE BLACKMON, 0000  
RUSSELL J. BLANE, 0000  
DARRYL W. BLAN, 0000  
ANDREW P. BOERLAGE, 0000  
TIMOTHY L. BOONE, 0000  
DAMON K. BOOTH, 0000  
ANN L. BORGSMANN, 0000  
PHILIP A. BOSSERT JR., 0000  
GREGORY T. BOYETTE, 0000  
ROBERT K. BOYLES, 0000  
PHILIP G. BRADLEY, 0000  
WILLIAM S. BRADSHAW, 0000  
TONIA M. BRICKHOUSE, 0000  
HARRY BRIESMASTER III, 0000  
ROBERT E. BRODERICK, 0000  
CHARLES Q. BROWN JR., 0000  
SCOTT A. BRUMBAUGH, 0000  
DAVID J. BUCK, 0000  
TIMOTHY S. BURKE, 0000  
GREGORY J. BURNS, 0000  
MICHAEL T. BYRNE, 0000  
NELSON CABOT JR., 0000  
EDWARD A. CARRERA, 0000  
DAVID M. CALLIS, 0000  
MARIANO C. CAMPOS JR., 0000  
NEAL R. CARBAUGH, 0000  
PATRICK T. CAREY, 0000  
TIMOTHY S. CASHDOLLAR, 0000  
MICHAEL D. CASHIDY, 0000  
SEAN P. CASSIDY, 0000  
DEVIN L. CATE, 0000  
SHEILA G. CHEWNING, 0000  
LARRY J. CHODZKO, 0000  
BRENDAN G. CLARE, 0000  
GREGORY C. CLARK, 0000  
PAUL J. CLARK, 0000  
HARRY W. CONLEY, 0000  
PATRICIA K. COOMER, 0000  
CHRISTOP F. CORDES, 0000  
JERRY R. COUICK, 0000  
MARK C. CREWS, 0000  
DENNIS M. CRIMIEL, 0000  
THOMAS A. CRISTLER, 0000  
CLINTON E. CROSIER, 0000  
VINCENT F. D'ANGELO, 0000  
JOHN M. DAVIDSON, 0000  
JOHN R. DECKNICK, 0000  
GODFRED N. DEMANDANTE, 0000  
JAMES C. DENDIS, 0000  
STEPHEN T. DENKER, 0000  
LEE K. DEPALO, 0000  
JEFFREY L. DERRICK, 0000  
LLOYD D. DESERISY, 0000  
NICHOLAS L. DESPORT, 0000  
JAMES E. DETEMPLE, 0000  
DEBRA A. DEXTER, 0000  
ANTHONY R. DOMINICE, 0000  
MATTHEW P. DONOVAN, 0000  
KENNETH R. DORNOV, 0000  
DANIEL C. DOTY, 0000

EDDIE G. DOUGLAS, 0000  
 ROBERT E. DULONG, 0000  
 THOMAS J. DUPRE, 0000  
 ELIZABETH M. DURHAMRUIZ, 0000  
 WALTER B. EADY, 0000  
 DOMENICK M. EANNIELLO, 0000  
 GREGORY B. EDWARDS, 0000  
 DAVID C. EISENSTADT, 0000  
 HAROLD A. ELKINS, 0000  
 ARNEL B. ENRIQUEZ, 0000  
 WILLIAM L. ERIKSON, 0000  
 JOHN L. EUNICE III, 0000  
 LYMAN A. FAITH, 0000  
 ROBERT L. FANT, 0000  
 KEITH P. FEAGA, 0000  
 MICHAEL A. FERNANDEZ, 0000  
 BERNARD P. FERRIS JR., 0000  
 TERESA L. FITZPATRICK, 0000  
 KEVIN A. FOLEY, 0000  
 WAYNE C. FOOTE, 0000  
 DEWEY G. FORD, 0000  
 KEVIN A. FORD, 0000  
 MICHAEL E. FORTNEY, 0000  
 ANTHONY A. FOTT, 0000  
 KURT R. FOX, 0000  
 GEOFFREY A. FRAZIER, 0000  
 ROBERT S. FREDELL, 0000  
 PHILLIP R. FREDERICK, 0000  
 JOHN M. FYFFE, 0000  
 CARLA H. GAMMON, 0000  
 ANDREA M. GARDNERINCE, 0000  
 STEVEN H. GAWLER, 0000  
 MICHAEL L. GERMAN, 0000  
 RONALD J. GEVRY, 0000  
 THOMAS B. GIATTINO, 0000  
 MICHAEL K. GIBSON, 0000  
 ROBERT D. GIBSON, 0000  
 SCOTT K. GIBSON III, 0000  
 MARY M. GILLAM, 0000  
 SCOTT E. GILSON, 0000  
 BILLY J. GILSTRAP JR., 0000  
 THERESA GIORLANDO, 0000  
 AMANDA W. GLADNEY, 0000  
 DONALD L. GLEASON, 0000  
 BRYAN P. GLYNN, 0000  
 JOHN J. GOMEZ, 0000  
 GROVER M. GOSSETT, 0000  
 MICHAEL J. GRAHAM, 0000  
 DANIEL P. GRENIER, 0000  
 STEPHEN J. GRIFFIN, 0000  
 STEVEN L. GROENHEIM, 0000  
 JAMES J. GROMMES III, 0000  
 JAMES D. HARDEN, 0000  
 ANTHONY L. HARDIN, 0000  
 WILLIAM J. HARDING, 0000  
 JEFFREY D. HARKER, 0000  
 STEVEN B. HARRISON, 0000  
 DANA R. HARTLE, 0000  
 BRETT D. HASWELL, 0000  
 STEPHEN M. HASWELL, 0000  
 KELLY P. HAZEL, 0000  
 LERNES J. HEBERT, 0000  
 GARY N. HENRY, 0000  
 THOMAS N. HENSON, 0000  
 ALBERT HILL, JR., 0000  
 JEFFERY HILL, 0000  
 MICHAEL J. HIRKA, 0000  
 WILLIAM A. HITE, 0000  
 PATRICIA D. HOFFMAN, 0000  
 JOE L. HOGLER, 0000  
 MICHAEL D. HOLBERT, 0000  
 ARNOLD W. HOLCOMB, 0000  
 JOSEPH L. HOLLETT, 0000  
 JAMES C. HOLLINGSWORTH, 0000  
 BRUCE E. HOLLYWOOD, 0000  
 RICHARD J. HORAN, 0000  
 JOHN P. HORNER, 0000  
 JAMES C. HORTON, 0000  
 JEFFERY A. HOSKEN, 0000  
 MICHAEL P. HOWE, 0000  
 HAL V. HOXIE, 0000  
 PETER C. HUNT, 0000  
 CHARLES R. HUNTER, 0000  
 MICHAEL W. HUTCHISON, 0000  
 CHARLES K. HYDE, 0000  
 JOHN H. IDE, 0000  
 RICHARD A. INGALSBIE, 0000  
 MARK E. ISRAELITT, 0000  
 DEAN C. JACKSON, 0000  
 RICHARD S. JACKSON, 0000  
 GORDON J. JACOBS, 0000  
 DENNIS L. JASINSKI, 0000  
 RONALD P. JENKINS, 0000  
 KIM M. JOHNSON, 0000  
 MICHAEL R. JOHNSON, 0000  
 LARRY D. JONES, 0000  
 THOMAS M. JONES JR., 0000  
 SETH M. JUNKINS, 0000  
 RICHARD D. JUSTICE JR., 0000  
 CHRISTOPHER A. KAPELLAS, 0000  
 JAMES D. KELLS JR., 0000  
 DONALD R. KELLY, 0000  
 JAMES M. KELLY, 0000  
 MARK D. KELLY, 0000  
 STEVEN S. KEMPF, 0000  
 KEVIN G. KERSH, 0000  
 KENNETH KESKEL, 0000  
 KEVIN J. KILB, 0000  
 RICHARD A. KLUMPP JR., 0000  
 TERRY T. KONO, 0000  
 MICHAEL F. KORCHECK, 0000  
 RANDALL J. KOSINSKI, 0000  
 MERRICK E. KRAUSE, 0000  
 JOHN T. KREGER IV, 0000  
 JAY M. KREIGHBAUM, 0000  
 JOHN J. KUSNIEREK, 0000  
 SAM M. KYLE JR., 0000

MICHAEL W. LAMB SR., 0000  
 ROBIN MIYOSHI LANDRY, 0000  
 MARK C. LANE, 0000  
 GLENN A. LANG, 0000  
 DAVID H. LANGAN, 0000  
 DENNIS LARM, 0000  
 PAUL L. LAUGENSEN, 0000  
 WALTER H. LEACH, 0000  
 GORDON K. LEE, 0000  
 MARK A. LEE, 0000  
 TIMOTHY F. LINDEMANN, 0000  
 VICTOR E. LOFTON, 0000  
 MADELINE F. LOPEZ, 0000  
 ALVIN M. LOWRY JR., 0000  
 DOUGLAS W. LUHRSEN, 0000  
 TIMOTHY E. LYNN, 0000  
 JOHN F. MABE, 0000  
 STUART W. MABERRY, 0000  
 SALLY D. MACON, 0000  
 MERRILY D. MADERO, 0000  
 BRUCE H. MAGOON, 0000  
 WILLIAM A. MALEC, 0000  
 TIMOTHY R. MALINSKI, 0000  
 JAMES F. MARTIN JR., 0000  
 JERRY P. MARTINEZ, 0000  
 JOHN B. MARTINS, 0000  
 MICHAEL C. MATTEI, 0000  
 PETER M. MAUNZ, 0000  
 DENNIS O. MAY, 0000  
 EDWARD J. MCALLISTER III, 0000  
 MARK S. MCALPINE, 0000  
 JOHN M. MCBRIEN, 0000  
 WARREN J. MCCHESENEY JR., 0000  
 RICHARD A. MCCLAIN, 0000  
 SAMUEL J. MCCRAW, 0000  
 JEFFREY R. MCDANIELS, 0000  
 JOHN W. McDONALD, 0000  
 DONALD W. MCGEE, 0000  
 PAUL H. MCGILLICUDDY, 0000  
 MARK T. MCKENZIE, 0000  
 MICHAEL E. MCKINNEY, 0000  
 MARK C. MCCLAUGHLIN, 0000  
 THOMAS C. MCMULLEN, 0000  
 ROBERT D. MCMURRAY JR., 0000  
 JOHNNY MCQUEEN, 0000  
 JOHN M. MEEK, 0000  
 JAMES J. MERCER, 0000  
 JOHN E. MICHEL, 0000  
 DOUGLAS W. MILLER, 0000  
 RONALD K. MILLER, 0000  
 LISTON B. MORLEY JR., 0000  
 MATTHEW H. MOLLOY, 0000  
 KEITH W. MONCHIEF, 0000  
 JAY A. MOODY, 0000  
 FREDERICK W. MOONEY, 0000  
 CHRISTOPHER L. MOORE, 0000  
 JEFFREY A. MORAGNE, 0000  
 ROBERT E. MORARTY, 0000  
 WILLIAM S. MOSLEY, 0000  
 WILLIAM M. MULLINS, 0000  
 JOHN D. MURPHY, 0000  
 MICHAEL K. MYERS, 0000  
 RICHARD T. NAYLOR, 0000  
 KERMIT D. NEAL, 0000  
 ERIC G. NELSON, 0000  
 EVERETTE S. NEWTON, 0000  
 MARK M. NICKSON, 0000  
 MICHAEL J. NIEZGODA, 0000  
 DAVID W. NOWSWORTHY, 0000  
 JOHN B. NORTON JR., 0000  
 MARK C. NOWLAND, 0000  
 ERIC L. NUTLEY, 0000  
 MICHAEL E. BOYLE, 0000  
 MARC S. OKYEN, 0000  
 DAVID C. OMEARA, 0000  
 PEDRO R. OMS, 0000  
 JAMES ONEAL JR., 0000  
 DAVID L. ORR, 0000  
 GARY A. PACKARD JR., 0000  
 SUSAN T. PARDO, 0000  
 MOHSEN PARHIZKAR, 0000  
 JUDY F. PERRY, 0000  
 RANDY J. PETYAK, 0000  
 MICHAEL E. PHELPS, 0000  
 THOMAS G. PHILIPKOSKY, 0000  
 MICHAEL D. PHILLIPS, 0000  
 TRACY A. PHILLIPS, 0000  
 JENNIFER LYNN PICKETT, 0000  
 EDWARD PIEKARCZYK, 0000  
 RICHARD P. PIERCE, 0000  
 MICHAEL T. PLEHN, 0000  
 JAMES R. PLOTT, 0000  
 GERALD P. FLOURDE, 0000  
 STEPHEN C. FLUNTZE, 0000  
 MARGARET B. POORE, 0000  
 JOHN P. POWELL, 0000  
 LYLE D. POWELL, 0000  
 JAMES R. PULLIAM, 0000  
 THOMAS D. QUASNEY, 0000  
 LORI L. RAMIREZ, 0000  
 MICHAEL K. RANGER, 0000  
 JAMES M. RATTI, 0000  
 FRANCIS J. RECHNER, 0000  
 JACK L. REIMANN, 0000  
 ROCKFORD J. REINERS, 0000  
 GARY O. RENFROW, 0000  
 MICHAEL D. RETALLICK, 0000  
 CHARLES R. RICE, 0000  
 HAROLD H. RICE, 0000  
 DERRICK M. RICHARDSON, 0000  
 MARIE Y. RIGOTTI, 0000  
 JOHN S. RIORDAN, 0000  
 BYRON H. RISNER, 0000  
 JOHN R. ROBERTS, 0000  
 RANDY R. ROBERTS, 0000  
 WILLIAM E. ROBERTS III, 0000  
 KENNETH L. ROBINSON, 0000

STUART M. RODGERS, 0000  
 EUGENE A. ROHL, 0000  
 MICHAEL L. ROLLISON, 0000  
 JON A. ROOP, 0000  
 MICHAEL G. ROSAS, 0000  
 JAN L. ROSKO, 0000  
 SCOTT L. RUMPH, 0000  
 JOHN H. RUSH, 0000  
 ANTHONY J. RUSSO, 0000  
 TIMOTHY L. SAFFOLD, 0000  
 HENRY P. SANDERS, 0000  
 JAMES P. SAVOY, 0000  
 WALTER E. SCALES JR., 0000  
 RICHARD A. SCHIANO, 0000  
 MARCEL T. SCHMIDT, 0000  
 RAYTHEON K. SCOTT, 0000  
 ROBERT J. SCOTT, 0000  
 BRADLEY A. SEIPEL, 0000  
 STEVEN G. SEROKA, 0000  
 STEVI A. SHAPIRO, 0000  
 JAMES W. SHAW, 0000  
 STEVEN M. SHEPRO, 0000  
 MICHAEL R. SHOULTS, 0000  
 JAY B. SILVERIA, 0000  
 DAVID A. SIMON, 0000  
 MARK E. SIMPSON, 0000  
 JOSEPH M. SKAJA JR., 0000  
 MICHAEL J. SMETANA, 0000  
 JAMES E. SMITH III, 0000  
 JEFFREY B. SMITH, 0000  
 JEFFREY S. SMITH, 0000  
 JOHN R. SMITH, 0000  
 KEVIN C. SMITH, 0000  
 MICHELE G. SMITH, 0000  
 PHILIP A. SMITH, 0000  
 STEPHEN A. SMITH, 0000  
 WILLIAM C. SMITH JR., 0000  
 BRADLEY D. SPACY, 0000  
 WILLIAM L. SPACY II, 0000  
 RICHARD S. STAPP, 0000  
 WAYNE E. STILES, 0000  
 ROBERT L. STINE JR., 0000  
 TIMOTHY W. STRAWTHER, 0000  
 ROBERT L. SWALE, 0000  
 ROCKY A. SWEARENGIN, 0000  
 ROGER W. TEAGUE, 0000  
 CHRISTOPHER J. THELEN, 0000  
 LINDA M. THOMAS, 0000  
 ROBERT D. THOMAS, 0000  
 PRESTON B. THOMPSON, 0000  
 WADE J. THOMPSON, 0000  
 LEWIS R. THRASHER JR., 0000  
 KENNETH E. TODOROV, 0000  
 JOHN J. TORRES, 0000  
 MICHAEL I. TRAPP, 0000  
 DOUGLAS E. TROYER, 0000  
 JEFFREY S. TURCOTTE, 0000  
 RICHARD D. TURNER, 0000  
 DUSTIN A. TYSON, 0000  
 WILKINS F. URQUHART II, 0000  
 LINDA URRUTIAVARHALL, 0000  
 RICKY T. VALENTINE, 0000  
 ELISE M. VANDER VENNET, 0000  
 GREGORY J. VANSUCH, 0000  
 MARY A. VEHR, 0000  
 THOMAS E. VEREB, 0000  
 MARK C. VLAHOS, 0000  
 KENNETH V. VOLMERT, 0000  
 VICTOR E. WAGER III, 0000  
 RICHARD J. WALBERG, 0000  
 RUSSELL K. WALDEN, 0000  
 REX J. WALHEIM, 0000  
 SCOTT G. WALKER, 0000  
 JACQUELINE S. WALSH, 0000  
 JEFFREY W. WANDREY, 0000  
 MARK E. WARE, 0000  
 RONALD L. WARNER JR., 0000  
 WILLIAM C. WATKINS, 0000  
 MARYANN P. WATSON, 0000  
 PAUL C. WAUGH, 0000  
 MARSHALL B. WEBB, 0000  
 STEVEN D. WERT, 0000  
 RICHARD L. WESCHE, 0000  
 RICHARD S. WILCOX, 0000  
 MARK A. WILKINS, 0000  
 IRA D. WILLIAMS JR., 0000  
 STEVEN W. WILLS, 0000  
 GERALD W. WIRSIG, 0000  
 JOHN B. WISSELER, 0000  
 JEFFREY S. WOOLSTON, 0000  
 THOMAS G. WOZNIAK, 0000  
 JONATHAN C. WRIGHT, 0000  
 PAUL D. WUEBOLD, 0000  
 LEE O. WYATT, 0000  
 RONALD M. YAKKEL, 0000  
 KEITH F. YAKTUS, 0000  
 JOHN D. ZAZWORSKY JR., 0000  
 ALBERT P. ZELENIAK JR., 0000  
 SCOTT J. ZOBRIST, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED ION THE UNITED STATES AIR  
 FORCE UNDER TITLE 10, U.S.C. SECTION 624:

*To be colonel*

MARK L. ALLRED, 0000  
 THOMAS G. CROSSAN JR., 0000  
 WILLIAM A. DRUSCHE, 0000  
 RONALD A. GREGORY, 0000  
 TIMOTHY A. GUIDEN, 0000  
 DEAH T. HAGMAIER, 0000  
 KAREN J. KINLIN, 0000  
 CARLOS L. MCDADE, 0000  
 MAURA THERESA MCGOWAN, 0000  
 URSULA P. MOUL, 0000  
 NANCY S. RICHARDS, 0000  
 JEFFREY A. ROCKWELL, 0000

FLOYD M. RUSSELL III, 0000  
 JAMES C. SINWELL, 0000  
 ANTHONY L. STEADMAN, 0000  
 DANIEL M. VADNAIS, 0000  
 DAVID C. WESLEY, 0000  
 BARR D. YOUNKER JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

BRENDA R. BULLARD, 0000  
 DENISE L. BURTON, 0000  
 MICHAEL T. CULHANE, 0000  
 LINDA L. EBLING, 0000  
 JOHN M. KORLASKE, 0000  
 DEBORAH L. LARY, 0000  
 TIMOTHY R. MCCORMICK, 0000  
 CLARA L. NIELSEN, 0000  
 JOHN C. SELL, 0000  
 IVAN L. SHERARD, 0000  
 KELLY A. WING, 0000  
 THOMAS E. YINGST, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624 AND 3064:

*To be lieutenant colonel*

JAMES R. AGAR II, 0000  
 JANE E. BAGWELL, 0000  
 RANDALL J. BAGWELL, 0000  
 MICHAEL R. BLACK, 0000  
 EUGENE E. BOWEN JR., 0000  
 STEVEN M. BRODSKY, 0000  
 JOHN P. CARRELL, 0000  
 LARSS G. CELTNIKS, 0000  
 DAVID K. DALITION, 0000  
 DOUGLAS M. DEPEPPE, 0000  
 THERESA A. GALLAGHER, 0000  
 TYLER J. HARDER, 0000  
 CHARLOTTE R. HERRING, 0000  
 DALE N. JOHNSON, 0000  
 FRANCIS P. KING, 0000  
 CARL W. KUHN, 0000  
 MICHAEL O. LACEY, 0000  
 DANIEL A. LAURETANO, 0000  
 STEPHEN J. LUND, 0000  
 MICHAEL R. LUTTON, 0000  
 TIMOTHY C. MACDONNELL, 0000  
 MARK D. MAXWELL, 0000  
 MICHAEL J. MCHUGH, 0000  
 THOMAS C. MODESZTO, 0000  
 FRANKLIN D. RAAB, 0000  
 MISTI E. RAWLES, 0000  
 JAMES H. ROBINETTE II, 0000  
 PAUL T. SALUSSOLIA, 0000  
 RALPH J. TREMAGLIO III, 0000  
 DEAN VLAHOPOULOS, 0000  
 STEVEN B. WEIR, 0000  
 JOHN B. WELLS III, 0000

NEOMA J. WHITE, 0000  
 NOEL L. WOODWARD, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

RANDY M. ADAIR, 0000  
 MARK F. BIRK, 0000  
 DAVID M. ELLIS, 0000  
 KENNETH L. KELSAY, 0000  
 KIRKLAND P. MARTIN JR., 0000  
 ANDREW N. SULLIVAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JOSE GONZALEZ, 0000  
 EARL E. NASH, 0000  
 ROGER W. SCAMBLER, 0000  
 JEFFREY G. YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

EDWIN N. LLANTOS, 0000  
 MANUEL RANGEL JR., 0000  
 STEVEN J. SKIRNICK, 0000  
 MATTHEW E. SUTTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

THOMAS E. BLAKE, 0000  
 STEVE K. BRAUND, 0000  
 JAMES A. GRIFFITHS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

GERALD A. CUMMINGS, 0000  
 KEITH E. ENYART, 0000  
 JOHN M. MCKEON, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

PAUL J. SMITH, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

RICHARD D. BEDFORD, 0000  
 JAMES D. MCCOY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

SAMUEL E. DAVIS, 0000  
 SCOTT D. FRANCOIS, 0000  
 CHARLES B. SPENCER, 0000  
 DAVID H. STEPHENS, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

DONALD L. BOHANNON, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

PETER D. CHARBONEAU, 0000  
 RODNEY W. CLAYTON, 0000  
 STEVEN R. FREDEEN, 0000  
 BERNARD J. GRIMES, 0000  
 ROBERT L. HANOVICH, 0000  
 THOMAS MCMILLAN, 0000  
 JOHN A. TANINECZ, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JOHN M. BISHOP, 0000  
 CARL F. DAVIS, 0000  
 DAVID R. GEHRLEIN, 0000  
 PHILIP W. GRAHAM, 0000  
 CARLTON D. HAGANS, 0000  
 JEFFREY P. RUPPERT, 0000  
 SCOTT E. SCHECHTER, 0000  
 TIM J. SCHROEDER, 0000  
 SCOTT A. SHARP, 0000  
 JOSEPH G. SINESE, 0000  
 JEFFREY W. SMITH, 0000

THE JUDICIARY

RAYMOND L. FINCH, OF THE VIRGIN ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF TEN YEARS. (REAPPOINTMENT)

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 3, 2004 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## FEBRUARY 4

- 9 a.m.  
Foreign Relations  
To hold hearings to examine AIDS and hunger.  
SH-216
- 9:30 a.m.  
Energy and Natural Resources  
Business meeting to consider pending calendar items.  
SD-366
- Governmental Affairs  
To continue hearings to examine workforce issues relating to preserving a strong United States Postal Service.  
SD-342
- Indian Affairs  
To hold hearings to examine President's fiscal year 2005 budget request.  
SR-485
- 10 a.m.  
Budget  
To hold hearings to examine the President's fiscal year 2005 budget proposals.  
SD-608
- Finance  
To hold hearings to examine the Administration's Health and Human Services budget priorities.  
SD-215
- Judiciary  
To hold hearings to examine the nominations of William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit, William S. Duffey, Jr., to be United States District Judge for the Northern District of Georgia, and Lawrence F. Stengel, to be United States District Judge for the Eastern District of Pennsylvania.  
SD-226
- 2:30 p.m.  
Banking, Housing, and Urban Affairs  
Economic Policy Subcommittee  
To hold hearings to examine national flood insurance repetitive losses.  
SD-538

Energy and Natural Resources  
Public Lands and Forests Subcommittee

To hold hearings to examine S. 1354, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, S. 1575, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, H.R. 1092, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, S. 1778, to authorize a land conveyance between the United State and the City of Craig, Alaska, S. 1819, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, and H.R. 272, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.  
SD-366

- 3 p.m.  
Commerce, Science, and Transportation  
Science, Technology, and Space Subcommittee  
To hold hearings to examine Mars exploration.  
SR-253

## FEBRUARY 5

- 9:30 a.m.  
Commerce, Science, and Transportation  
To hold hearings to examine global warming.  
SR-253
- Foreign Relations  
To hold hearings to examine Iraq stabilization and reconstruction.  
SD-419
- 10 a.m.  
Banking, Housing, and Urban Affairs  
To hold hearings to examine the Office of the Comptroller of the Currency's rules on national bank preemption and visitorial powers.  
SD-538
- Finance  
To hold hearings to examine the nomination of Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of the Treasury.  
SD-215
- Health, Education, Labor, and Pensions  
To hold hearings to examine maintaining confidence in consumer products relating to mad cow disease.  
SD-430
- 2:30 p.m.  
Foreign Relations  
To hold a closed briefing regarding security preparations for 2004 Olympic Games.  
S-407, Capitol
- Judiciary  
Immigration, Border Security and Citizenship Subcommittee  
To hold hearings to examine evaluating a temporary guest worker proposal.  
SD-226

Energy and Natural Resources  
National Parks Subcommittee

To hold hearings to examine S. 1306 and H.R. 1446, bills to introduce the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania.  
SD-366

## FEBRUARY 9

- 10 a.m.  
Governmental Affairs  
To hold hearings to examine the Department of Homeland Security's budget for fiscal year 2005.  
SD-342

## FEBRUARY 10

- 9:30 a.m.  
Armed Services  
To resume hearings to examine the Defense Authorization request for Fiscal Year 2005 and the future years defense program.  
SR-325
- 10 a.m.  
Energy and Natural Resources  
To hold hearings to examine the President's proposed fiscal year 2005 budget for the Department of Energy.  
SD-366

- 2 p.m.  
Veterans' Affairs  
To hold hearings to examine the Administration's proposed fiscal year 2005 Department of Veterans Affairs' budget.  
SR-418

## FEBRUARY 11

- 9:30 a.m.  
Indian Affairs  
To hold hearings to examine the President's fiscal year 2005 budget request.  
SR-485

## FEBRUARY 12

- 9:30 a.m.  
Foreign Relations  
To hold hearings to examine policy and programs relating to the State Department.  
SR-325
- Governmental Affairs  
Investigations Subcommittee  
To hold hearings to examine Department of Defense contractors who are abusing the federal tax system by either failing to file tax returns or not paying their taxes.  
SD-342
- 10 a.m.  
Budget  
To hold hearings to examine the President's fiscal year 2005 budget proposals.  
SD-608
- Energy and Natural Resources  
To hold hearings to examine the President's proposed fiscal year 2005 budget for the Department of the Interior.  
SD-366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1466, to facilitate the transfer of land in the State of Alaska, S. 1421, to authorize the subdivision and dedication of restricted land owned by Alaska Natives, S. 1649, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and S. 1910, to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land.

SD-366

FEBRUARY 24

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Disabled American Veterans.

SH-216

MARCH 2

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year

2005 and the future years defense program.

SH-216

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed fiscal year 2005 budget for the Forest Service.

SD-366

MARCH 4

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Jewish War Veterans, and the Blinded Veterans Association.

345 CHOB

MARCH 10

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.

SH-216

MARCH 18

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Air Force Sergeants Association, the Retired Enlisted Association, Gold Star Wives of America, and the Fleet Reserve Association.

345 CHOB

MARCH 25

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Officers Association of America.

345 CHOB

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB



# Daily Digest

## HIGHLIGHTS

See Résumé of Congressional Activity.

## Senate

### Chamber Action

*Routine Proceedings, pages S335–S382*

**Measures Introduced:** Eight bills and one resolution were introduced, as follows: S. 2040–2047, and S. Res. 295. **Pages S370–71**

**Measures Passed:**

*Congratulating New England Patriots:* Senate agreed to S. Res. 295, congratulating the New England Patriots on their victory in Super Bowl XXXVIII. **Pages S377–78**

*National School Counseling Week:* Committee on the Judiciary was discharged from further consideration of S. Res. 292, designating the week beginning February 2, 2004, as “National School Counseling Week”, and the resolution was then agreed to. **Pages S378–79**

*National Mentoring Month:* Committee on the Judiciary was discharged from further consideration of S. Res. 294, designating January 2004 as “National Mentoring Month”, and the resolution was then agreed to. **Pages S378–79**

*Mammography Quality Standards Reauthorization Act:* Senate passed S. 1879, to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards. **Page S379**

**Safe Transportation Equity Act:** Senate resumed consideration of the motion to proceed to consideration of S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs. **Pages S343–60**

During consideration of this measure today, Senate also took the following action:

By 75 yeas to 11 nays (Vote No. 7), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to the bill. **Page S360**

A unanimous-consent agreement was reached providing for consideration of the bill at 10:30 a.m., on Tuesday, February 3, 2004. **Page S360**

**Messages from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, The Budget of the United States Government for fiscal year 2005; referred jointly to the Committees on Appropriations and on the Budget. (PM–62) **Pages S369–70**

### Appointments

*Commission on Review of Overseas Military Facility Structure of the United States:* The Chair, on behalf of the Majority Leader, pursuant to Public Law 108–132, Section 128, appointed the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Major General Lewis E. Curtis III, USAF (Retired). **Pages S379–80**

**Nominations Received:** Senate received the following nominations:

William Hardiman, of Michigan, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2006.

Sue Ellen Wooldridge, of Virginia, to be Solicitor of the Department of the Interior.

William T. Hiller, of Ohio, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006. (Reappointment)

Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006. (Reappointment)

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007. (Reappointment)

Richard Kenneth Wagner, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

Isaac Fulwood, Jr., of the District of Columbia, to be a Commissioner of the United States Parole Commission for a term of six years.

Raymond L. Finch, of Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years. (Reappointment)

Routine lists in the Air Force, Army, Marine Corps.

**Pages S380–82**

**Executive Communications:** **Page S370**

**Additional Cosponsors:** **Page S371**

**Statements on Introduced Bills/Resolutions:**  
**Pages S371–76**

**Additional Statements:** **Pages S366–69**

**Notices of Hearings/Meetings:** **Pages S376–77**

**Authority for Committees to Meet:** **Page S377**

**Privilege of the Floor:** **Page S377**

**Record Votes:** One record vote was taken today.  
(Total—7) **Page S360**

**Adjournment:** Senate convened at 1 p.m., and adjourned at 6:57 p.m., until 9:45 a.m., on Tuesday, February 3, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S380.)

## *Committee Meetings*

*(Committees not listed did not meet)*

### **BUSINESS MEETING**

*Committee on Finance:* Committee ordered favorably reported the following bills:

S. 882, to amend the Internal Revenue Code of 1986 to provide improvements in tax administration and taxpayer safe-guards, with an amendment in the nature of a substitute;

An original bill entitled "National Employee Savings and Trust Equity Guarantee Act"; and

An original bill entitled "Highway Reauthorization and Excise Tax Simplification Act of 2004".

# House of Representatives

## Chamber Action

The House was not in session today. It will meet at 12:30 p.m. on Tuesday, February 3 for morning hour debate and at 2 p.m. for legislative business.

## Committee Meetings

No committee meetings were held.

---

### COMMITTEE MEETINGS FOR TUESDAY, FEBRUARY 3, 2004

*(Committee meetings are open unless otherwise indicated)*

#### Senate

*Committee on Armed Services:* to hold hearings to examine the Defense Authorization Request for fiscal year 2005 and the future years defense program; and to hold a business meeting to consider the nominations of Lawrence T. Di Rita, of Michigan, to be an Assistant Secretary of Defense for Public Affairs, and Francis J. Harvey, of California, to be an Assistant Secretary of Defense for Networks and Information Integration, and certain other pending military nominations, 9:30 a.m., SH-216.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine fund operations and governance relating to current investigations and regulatory actions regarding the mutual fund industry, 10 a.m., SD-538.

Full Committee, business meeting to consider the proposed Federal Public Transportation Act, 2:30 p.m., SD-538.

*Committee on the Budget:* to hold hearings to examine the President's fiscal year 2005 budget proposals, 10 a.m., SD-106.

*Committee on Foreign Relations:* business meeting to consider United Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the "Convention"), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the "Agreement"), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc.103-39), 9:30 a.m., SD-419.

*Committee on Governmental Affairs:* to hold hearings to examine workforce issues relating to preserving a strong United States Postal Service, 2 p.m., SD-342.

#### House

*Committee on the Budget,* hearing on the Administration's Budget for Fiscal Year 2005, 2 p.m., 210 Cannon.

*Committee on Government Reform,* Subcommittee on National Security, Emerging Threats and International Relations, hearing on Effective Strategies Against Terrorism, 10 a.m., 2247 Rayburn.

*Committee on the Judiciary,* Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing entitled "Law Enforcement Efforts within the Department of Homeland Security," 1 p.m., 2141 Rayburn.

*Committee on Rules,* to consider H.R. 3030, Improving the Community Services Block Grant Act of 2003, 5:30 p.m., H-313 Capitol.

*Committee on Ways and Means,* hearing on the Administration's Budget Proposals for fiscal year 2005, 2 p.m., 1100 Longworth.

# Résumé of Congressional Activity

## SECOND SESSION OF THE ONE HUNDRED EIGHTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House.

The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 20 through January 31, 2004

	<i>Senate</i>	<i>House</i>	<i>Total</i>
Days in session .....	8	6	..
Time in session .....	39 hrs.	21 hrs., 33'	..
Congressional Record:			
Pages of proceedings .....	333	245	..
Extensions of Remarks .....	..	78	..
Public bills enacted into law .....	..	1	1
Private bills enacted into law .....	..	..	..
Bills in conference .....	..	7	..
Measures passed, total .....	10	17	27
Senate bills .....	..	2	..
House bills .....	1	2	..
Senate joint resolutions .....	..	..	..
House joint resolutions .....	..	..	..
Senate concurrent resolutions .....	..	..	..
House concurrent resolutions .....	2	1	..
Simple resolutions .....	7	12	..
Measures reported, total .....	3	3	6
Senate bills .....	3	..	..
House bills .....	..	1	..
Senate joint resolutions .....	..	..	..
House joint resolutions .....	..	..	..
Senate concurrent resolutions .....	..	..	..
House concurrent resolutions .....	..	..	..
Simple resolutions .....	..	2	..
Special reports .....	..	..	..
Conference reports .....	..	..	..
Measures pending on calendar .....	157	81	..
Measures introduced, total .....	46	85	131
Bills .....	34	51	..
Joint resolutions .....	..	5	..
Concurrent resolutions .....	1	5	..
Simple resolutions .....	11	24	..
Quorum calls .....	..	1	..
Yea-and-nay votes .....	6	8	..
Recorded votes .....	..	2	..
Bills vetoed .....	..	..	..
Veto overridden .....	..	..	..

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 20 through January 31, 2004

Civilian nominations, totaling 230, (including 195 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	22
Unconfirmed .....	206
Withdrawn .....	1
Returned to White House .....	1
Other Civilian nominations, totaling 7, (including 5 nominations carried over from the First Session) disposed of as follows:	
Unconfirmed .....	7
Air Force nominations, totaling 3,930 (including 3,527 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	2,250
Unconfirmed .....	1,680
Army nominations, totaling 1,189, (including 594 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	86
Unconfirmed .....	1,103
Navy nominations, totaling 2,504, (including 2,444 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	2,427
Unconfirmed .....	77
Marine Corps nominations, totaling 1,094, (including 2 nominations carried over from the First Session), disposed of as follows:	
Unconfirmed .....	1,094
<i>Summary</i>	
Total nominations carried over from the First Session .....	6,812
Total nominations received this Session .....	2,142
Total confirmed .....	4,785
Total unconfirmed .....	4,167
Total withdrawn .....	1
Total Returned to the White House .....	1

\*These figures include all measures reported, even if there was no accompanying report. A total of 3 reports have been filed in the Senate, a total of 3 reports have been filed in the House.

*Next Meeting of the SENATE*

9:45 a.m., Tuesday, February 3

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Tuesday, February 3

## Senate Chamber

**Program for Tuesday:** After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of S. 1072, SAFE Transportation Equity Act.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

## House Chamber

**Program for Tuesday:** The House will meet at 12:30 p.m. for morning hour debate and at 2 p.m. for legislative business.



## Congressional Record

printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at [www.gpo.gov/gpoaccess](http://www.gpo.gov/gpoaccess). Customers can also access this information with WAIS client software, via telnet at [swais.access.gpo.gov](http://swais.access.gpo.gov), or dial-in using communications software and a modem at 202-512-1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov); Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$252.00 for six months, \$503.00 per year, or purchased as follows: less than 200 pages, \$10.50; between 200 and 400 pages, \$21.00; greater than 400 pages, \$31.50, payable in advance; microfiche edition, \$146.00 per year, or purchased for \$3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: [bookstore.gpo.gov](http://bookstore.gpo.gov). Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to 866-512-1800 (toll free), 202-512-1800 (D.C. area), or fax to 202-512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

**POSTMASTER:** Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.